Mn and P.H. (194 6) Department.

MS. SERIES.

G.O. No. 2042 P.H.

Dated 8.7.46.

[Despatch Abstract.]

Lisence - Irangalo Mangalore Municipality - Cashcew nut factory of Messrs. Misar Krishna Annappa Pai and Co - Inaction on the part of the municipal Council and Municipal Health Officer - recorded.

Office of the Municipal Health O
Mangalore, Dated 8 July.

Sri B. Subraya Baliga, L.M.S., D.T.M.(Cal.)
Municipal Health Officer, Mangalore.

The Director of Public Health,
Madras.

35644.

Sub:Mangalore Municipality--cashew nut Factory of Messrs. Mijar Krishna Annappa Pai & Co.--nuisance caused by the working of--explanation submitted.

Ref:R.No.18870-Hyg.45-9 dated 23-6-45

In reply to the reference quoted above I submit below a history of the licensing of the Mijarkar's Cashew-nut Factory. It will be seen from this that far from there having been any derelection of duty on my part I have strictly obeyed orders issued to me from time to time. It will further be seen that at every stage I have kept the office of the Director of Public Health informed of the state of things and sought instructions in view to abate nuisance.

2. The factory has been there since 1930 though it came within municipal limits in 1943. Till then the factory was under the control of the District Board. At this time the process of treating the nuts before shelling was rather crude. The nuts were burnt in open pans over the fire which emitted clouds of dark irritating smoke which spread all round and lay close to the ground. As District Health Officer then I did my best to abate the nuisance which was far worse than at present. The action taken by me may be seen from the contemporary records. Improved methods came to be employed by the factory. These have been further improved by the adoption of a device which leads the irritating fumes into the furnace where they are burnt out before being discharged into the atmosphere through chimneys as high as fifty feet. In fact my action as District Health Officer against the factory was only stayed with the receipt of the Government order stating that the matter was under the consideration of the Government.

3. Coming to its subsequent history the factory came within the municipal limits on 1-4-1943. On 30-4-43 the Proprietor applied for a licence and deposited the fee called for on 28-5-43. The licence was granted on 25-6-43 on the following conditions:--

1. The chimneys emitting smoke should be raised to a height of at least 25 ft. from the top of the roof.

2. All the fire-places generating heat should be fed only with firewood.

3. Under no circumstances should cashew shells be used as fuel.

On 21-7-43 the Proprietor made a petition asking for time till November 1943 to fulfil the conditions. The Commissioner, Mr. Ramaswami who was in charge of the office of the Health Officer at the time rejected the petition on 23-7-43. The Director of Public Health inspected the factory on 27-7-43, proposed to issue instructions which when carried out would mitigate the nuisance. On this the Commissioner in charge issued an order on 31-7-43 holding in abeyance his order dated 25-7-43 pending receipt of instructions from the Director of Public Health.

4. All these events took place before I took charge which I did on 13-8-43, and I could only await instructions promised by the Director of Public Health on his personal inspection. Since events had shaped themselves for me, I was not in a position to move suo motu.

5. On 29-1-44 I received the following order from the Director of Public Health:--"Please report urgently whether any instructions have been given to the Proprietor of Messrs Krishna Annappa Pai & Co. cashew-nut factory, Mangalore to stop burning cashew shells and use firewood in the furnaces, if so the circumstances under which such advice has been given and what action has been taken". I replied on 5-2-44 that no instructions had been issued pending receipt of instructions from the Direct

Health which were awaited.

6. Complaints were received regarding the nuisance I addressed the Director of Public Health on 12-8-44 requesting early issue of instructions. I again asked for an early reply on 19-8-44 in view of the urgency of the matter. I reminded the Director of Public Health for the third time on 26-8-44, on receipt of an application the same day from the factory for a licence for 1944-45 and requested that the matter might be treated as urgent. I received a reply on 6-9-44 stating that the Public Health Board had not yet considered the question. On 14-9-44 I issued a licence for the electric motors and informed that the grant of a licence for roasting cashew nuts would be considered on receipt of instructions from the Director of Public Health regarding the conditions to be imposed.

On 14-10-44 the following order R.No.35079 Hyg.44 was received from the Director of Public Health:--'A simple roaster for cashew nuts has been devised by the Government Industrial Engineer and experiments with this are being conducted. It will be suggested for adoption after its approval by the Public Health Board.'

Meanwhile the Commissioner had also moved in the matter and received the following reply, dated 20-10-44 "Design of a cheap roaster is being tried experimentally by the Industrial Engineer. Until this is approved and recommended for adoption, the procedure previously adopted may be continued."

After this I could not issue a licence imposing any conditions nor take any other action.

7. On 28-3-45 application was received from the factory owner for a licence for 1945-46. On 6-4-45 I again reminded the Director of Public Health requesting early orders. On 16-4-45 I was informed that the Industrial Engineer had not yet reported on the experiments with the new roaster. It will thus be seen that there has been no slackness on my part. Before taking leave of this part of the correspondence between the Director of Public Health and the Municipal Health Officer it is necessary to refer to Government Memo No.54102-H-44-1P.H. dated 15-11-44 communicated to me for remarks by the Director of Public Health and my reply dated 6-12-44--copies enclosed. On 21-12-44 I received from the Director of Public Health No.50679-5.Hyg. dated 16-12-44 enquiring whether the factory was working without a licence and if so why. In reply I submitted a copy of proceedings issued by me in the matter, para 2 of which runs as follows:--

"The grant of a licence for roasting cashew nuts will be considered only after the receipt of instructions from the Director of Public Health who is considering the conditions to be imposed."

On this I received an endorsement R.No.50679-5 Hyg. dated 17-1-45 observing that my order was irregular and that a grant of licence should not have been delayed and calling on me to explain why such an order was issued. In my reply D.Dis.169/45 dated 9-2-45 I gave a history of the case as set out above and explained how pending receipt of the instructions promised by the Director of Public Health on a personal inspection, no licence would be issued imposing conditions, such a one issued having been held in abeyance and how a licence which imposed no conditions was as good as no licence so far as control was concerned. No orders have been received on this.

8. Coming to the transactions of the Municipal Council, a resolution was passed by the Council on 16-4-45 on a petition regarding smoke nuisance. The resolution was moved by Mr. C. L. Lobo, Vice-Chairman sanctioned the grant of a licence subject to conditions which were the same as those laid down in the one granted in 1943 but which were held in abeyance by the Commissioner in the circumstances narrated above. He therefore placed the matter before the Director of Public Health and solicited urgent instructions (copy enclosed) and informed the Commissioner accordingly. On 23-4-45, the Council held an urgent meeting to consider the reference to the Director of Public Health. Mr. C. L. Lobo moved a resolution that the previous resolution passed on 16-4-45 should be given effect to without waiting for the reply of the Director of Public Health. This was voted down by the Council (copy of resolution enclosed) which was in favour of waiting for the Director of Public Health's reply. My view was thus acquiesced in by the Council. Further on a reference made to the Legal Adviser of the Council gave it as his

the Resolution of [illegible] was ultra vires of the powers of the

7-5-45 Mr. C. L. Lobo (for the third time) moved another resolution enclosed) directing the executive to take immediate steps to stop forthburning operations in the factory premises. I placed before the full history of the case and explained how I could take no further pending receipt of instructions from the Director of Public Health. same time I suggested that the Director of Public Health might be ted to expedite the issue of his instructions impressing the urgency matter. Mr. Lobo however pressed his resolution remarking in terms that he did not care what the Director of Public Health said The resolution was passed by a majority but was held ultra vires Legal Adviser. The very next day I submitted this resolution also Director of Public Health (copy of my report is enclosed) and sought instructions. At the same time the Commissioner sent a telegram Director of Public Health to expedite the issue of instructions. -45 the Director of Public Health replied that the place would be cted by the Assistant Director of Public Health and instructions issued. Assistant Director of Public Health inspected the factory and the surroun on 21 and 23-5-45. The inspection report was received here on 4-6-45. very day I communicated a copy of the report to the factory owner necessary action.

while on a report from the Labour Conciliation Officer dated 2-5-45 District Magistrate ordered the Sub Divisional Magistrate, Mangalore take action against the factory owner under Section 133 Criminal Proire Code. As a result of these proceedings the factory was ordered to closed from 8-6-45. The order is still in force.

On 7-6-45 the Proprietor of the factory reported that he had fitted an exhaust apparatus to render the fumes innocuous and that he would only firewood and requested that a licence might be granted urgently. 11-6-45 I informed the Proprietor that the apparatus must be certified the Industrial Engineer agreeably to the terms of the report of the Assistant Director of Public Health. On 13-6-45, the Proprietor ~~xxxxxxxxx~~ ~~xxxxxxxxx~~ ~~xxxxxxxxx~~

50679-Hyg

Office of the Director of Public Health.
Madras, Dated the 23rd November 1944.

The Municipal Health Officer, Mangalore.

Copy forwarded for urgent remarks.

S/d. for Director of Public Health,
Madras.

Enclosure. No 1

Copy of Govt. Memorandum No. 54102-H-1P.H., dated 15th November 1944.

It has been brought to the notice of Government that a cashewnut frying factory working without a licence at Mannagudda, Mangalore Municipality is causing much nuisance and that the question of a licence to the factory is pending with the Director of Public Health. The Director of Public Health is requested to submit to Government urgently a report on the subject and to state why the factory is working without a licence.

/ True Copy /

Municipal Health Office)
Mangalore, D/8-7-1945.)

Municipal Health Officer.

L.Dis. 3564/44.

Office of the Municipal Health Officer,
Mangalore, Dated 6-12-1944.

From

Sri. B. Subraya Baliga, L.M.S., D.T.M. (Cal)
Municipal Health Officer, Mangalore.

To

The Director of Public Health,
Madras.

Sir,

Sub:- Nuisance - unlicenced cashewnut factory - remarks - furnished.
Ref:- Your letter R.No. 50679-Hyg Dated 23-11-1944.

In Mannagudda, there is no cashewnut factory, working without a licence. If the reference is to the Mizarkar's Factory- Mizar Krishna Annappa Pai Cashewnut factory- reference is invited to your letters R.No. 35879 Hyg/44 Dated 14-10-1944 and R.No. 35879-Hyg Dated 20th October 1944.

S/d. Municipal Health Officer.6-12-44.

/ True Copy /

Municipal Health Office,)
Mangalore, D/8-7-1945.)

Municipal Health Officer.

C.No; 1642/45. Office of the Municipal Health Officer,
Mangalore, Dated 18th April 1945.

From

Sri. B. Subraya Baliga, L.M.S-, D.T.M. (Cal)
Municipal Health Officer, Mangalore.

To

The Director of Public Health, Enclosure No 2.
Madras.

Sir,

Sub:- Mizarkar's Cashewnut factory - grant of licence - instructions solicited.

The proprietor of the above factory has applied for licence for the current year. In view of the complaints received regarding smoke nuisance from this factory the Commissioner and myself held a joint inspection of the factory and had a talk with the proprietor regarding the mitigation of smoke nuisance. He has informally agreed to raise the height of the roaster chimnies by one more piece i.e. about 5 feet. We also tried to persuade him to use firewood instead of cashew shells for the furnaces. But on account of the scarcity of firewood in these days he pleaded that he may be given time for this and said that he would apply to the Collector for a permit for firewood and that he would use it to the extent he gets the permit. In view of the instructions contained in letter No. 35879-Hyg Dated 20-10-1944 of the Director of Public Health, Madras this is the utmost we could do to mitigate the nuisance complained of.

The nuisance complained of is of the kind contemplated by Section 41 of the Public Health Act. Under Section 44 of the Public Health Act certain powers are given to the Health Officer to abate the nuisance if he is satisfied of the existence of a nuisance and if in exercise of the power vested in him the Health Officer issues the notice contemplated by that section and if thereby be default even thereafter or if in the opinion of the local authority the nuisance is likely to recur on the same premises, certain powers are given to the local authority to abate the nuisance. Section 48 of the Public Health Act provides for entry and inspection of any premises for the purpose of enforcing any of the provisions contained in Chapter VI of the Public Health Act. Finally section 49 of the Public Health Act provides for the contingency of any default on the part of any local authority or its Health Officer in discharging its or his duty under the Public Health Act.

So far as the District Municipalities Act is concerned Section 251 provides for issue of directions for the abatement of nuisance and section 252 gives power to the Local Government to pass orders or issue directions to Municipal Council in this behalf.

I also invite attention to Section 144, of the Public Health Act which provides that if there be any repugnancy, between any of the provisions of the Public Health Act relating to Public Health and any other enactment in force in the province of Madras, the provisions of the Public Health Act shall prevail and the provisions of any other enactment to the extent of the repugnancy shall be void.

I submit that these provisions will be relevant while dealing with the complaint as will be apparent from the circumstances, explained in my endorsement on the telegram - Vide this office N.Dis. 1475/45 Dated 18-4-'45

The matter came up before the Council for consideration on a petition dated the 8th February 1945 presented by Sri. A.Chudappa one of the signatories to the telegram. All the facts were placed before the Council and the Council passed the following resolution.

38. Read petition dated the 8th February 1945 from Sri. A. Chudappa, proprietor, Canara Watch Works, Hampancatta, Mangalore regarding the smoke nuisance caused/ due to the roasting of cashewnut in the Mizarkar's Factory at Urwa with the remarks of the Municipal Health Officer thereon.

Taken as 3rd item - Rao Saheb P.R.R. Punja entered here.
After considerable discussion in the matter Mr. C.L. Lobo, proposed and Mr. A. Shanker Alva seconded the following resolution:-

P.T.O.

"That this council resolves that a licence to Messrs Mizar for a Cashew Factory for 1945-1946 may be granted only on the following conditions:-

1. That they should use firewood for fuel.
2. That the height of the chimneys should be at least 25 feet above the top of the roof.
3. That the chimneys should be without a cap.
4. Under no circumstances cashew shells should be used for this purpose.

The Director of Public Health also may be addressed in this matter.

The following members are added to the committee appointed as per council's resolution No. 43 dated the 6th November 1944:

Messrs. J.S. Suvarna, M.Mukunda Nayak and B. Gangadhar Das.

The committee or any member thereof is authorised to inspect the Factory whenever necessary.

CARRIED UNANIMOUSLY.

x x x x

It looks as if the Council has lost sight of the last communication dated 20-10-1944 received from the Director of Public Health quoted above and it is a matter for the consideration whether the procedure adopted and the resolution passed by the council are in order having regard to the provisions of the Public Health act and the Madras District Municipalities Act referred to above.

As regards the last para of the resolution there is no provision either in the Madras District Municipalities Act or Public Health Act for the Council or any committee appointed by it or any member thereof to enter or inspect any factory. Hence this exceeds the powers of the Council. Vide, Section 253 of the Madras District Municipalities Act and Section 48 of the Public Health Act.

Under the above circumstances I solicit urgent instructions whether I am to issue the licence in accordance with the conditions mentioned in the Council resolution or grant a licence as per instructions contained ~~xx~~ in the letter of the Director of Public Health Dated 20-10-1944 and allow the procedure previously employed to continue till the new roaster is approved. As the matter is important, I request urgent instructions may kindly be given.

s/d. Municipal Health Officer.
18-4-45.

Copy to the Commissioner, Mangalore Municipality, Mangalore.

/ True Copy /

Municipal Health Office,)
Mangalore, D/8 — 7-1945.)

Municipal Health Officer.

Proceedings of the Municipal Council, Mangalore held in the Municipal Office at 5.30 P.M. on Monday the 23rd April 1945.

Present:-

Janab H.Hoosein Puttur Saheb Bahadur - Chairman M.C.
C.L. Lobo Esqr, B.A.B.L. Vice-Chairman.
Janab Ahamad Hussein Saheb Bahadur.
Aranha Amy Mrs.
Janab Amiruddin Saheb Bahadur.
Sri. Bhima Rao H.
Furtado I.J. Esqr.
Sri. Gangadhar Das B.A.B.L.
Sri. Mukunda Nayak Manel, B.A.
Ramachandra Pai, B.A.L.T.
Ranganath Punja Rao Saheb B.A.B.L.
S.Shankar Alva B.A.B.L.
Shama Rao P.
Shreshta M.S. Esqr. (C.C.S.Retd) Bar-at-Law.
Suvarna J.S. B.A.
Thimmappa Shetty.

Enclosure No 3

Read Chairman's notice dated the 21st April 1945 convening this urgent meeting of the Council to consider the communica tion received from the Municipal Health Officer, Mangalore, informing that he had referred the Council resolution No. 38 dated the 16th April 1945 to the Director of Public Health, Madras, for issue of instructions to him in the matter of granting license for roasting cashew nuts in the Mizarkar's factory at Urva and that further action would be taken on receipt of the instructions:-

After considerable discussion and the opinion expressed by several members of the Council on the subject the following resolution was moved by Mr. C.L. Lobo and seconded by Mr. B. Thimmappa Shetty.

That this Council is of opinion that the Resolution No. 38 dated the 16th April 1945 unanimously passed by the Council and that it should be enforced forthwith and Messrs. Mizar Krishna Annappa Pai and Co shall be given 2 week's time from the date of communication of the issue of the licence to fulfill the conditions.

Messrs M.S. Shreshta and J.S. Suvarna left the meeting before the resolution was moved.

The resolution was put to vote and lost.
6 voted for the resolution and seven against.

S/d, Chairman, M.C.

/ True Copy /

Municipal Health Office,
Mangalore, D/8-7-1945.

Municipal Health Officer.

C.No. 2642/45. Office of the Municipal Health Officer,
Mangalore, Dated 8th May 1945.

From

Sri. B. Subraya Baliga, L.M.S., D.T.M. (Cal)
Municipal Health Officer, Mangalore.

To

The Director of Public Health,
Madras.

Enclosure No 4

Sir,

Sub:- Mizarkar's Cashewnut Factory - issue of licence - Instructions solicited.

Ref:- This office C.No. 1642/45 Dated 18-4-1945.

In continuation of my reference C.No. 1642/45 dated 18-4-1945, I have to bring to your notice that the Municipal Council has by a majority passed the following resolution which was moved by Mr. C.L.Lobo.

x x x

"This council considers that the working of the cashewnut factory of Messrs Mizar Krishna Annappa Pai & Co. in R.S.No.71-72, and 73 of Boloor village of the Municipality in close proximity to thickly crowded human habitation and the labour school is a veritable nuisance and a positive menace to the health of the hundreds of neighbours and of the school children and therefore resolves that the Executive should take urgent and immediate steps to stop forthwith all burning operations in the aforesaid factory premises".

Chairman, M.C. 7.5.45.

x x x

I request that the instructions solicited in my reference quoted above may kindly be expedited.

Sd. B. Subraya Baliga.
Municipal Health Officer.

Copy to the Commissioner, M.M.Mangalore with reference to his letter C4/9478/44 dated 8-5-1945. I am awaiting instructions from the Director of Public Health to give effect to the council resolution.

True copy.

Municipal Health Officer.

C.No.1339/45. Office of the Municipal Health Officer,
Mangalore, Dated 19-6-45.

From

Sri B. Subraya Baliga, L.M.S., D.T.M.(Cal.),
Municipal Health Officer, Mangalore.

To

The Director of Public Health
Madras.

Enclosure 3

S i r,

Sub:Mijarkar's Cashew Factory--improvements effected--issued of licence--instructions solicited.

****

I invite your kind attention to the letter dated 9-6-45 from Messrs Mijarkars addressed to the Assistant Director of Public Health, Madras copy of which has been sent to me. As per Para (a) of the letter the Proprietor proposes to use only firewood until the centrifugalising apparatus is installed. I have also received a further communication from him to-day enclosing the certificate from the Industrial Engineer (copy enclosed) who says that the oil fumes from the oil tank have been treated by being led into the furnace, burnt and discharged through the chimney. There was no irritating smell felt in the surrounding area. He is of opinion that the device adopted by the factory for treating the oil fumes from the oil tank has been successful.

The owner of the factory proposes to use only firewood till centrifugalisers are installed. The Factory Inspector has certified that the contrivance for burning the oil fumes is successful.

I therefore think that the conditions to be carried out immediately before the grant of licence are now satisfied. I request urgent instructions if I may grant the licence giving him time to carry out the other improvements as suggested in the report of the Assistant Director of Public Health.

Sd. B. Subraya Baliga.
Municipal Health Officer.

Copy to the Commissioner, Mangalore Municipality, Mangalore for favour of information.

True copy.

Municipal Health Officer.

From Messrs Mizar Krishna Annappa Pai & Co., Mangalore,
To The Health Officer, Mangalore Municipality, Mangalore,
Mangalore, dated June 27, 1945.

We beg to remind you of our request to grant us a licence for the working of our cashew nut factory in our letter dated 19-6-45 enclosing the certificate from the Industrial Engineer. As each day's delay entails heavy loss to us besides the great hardship to the labourers we request you to expedite the matter and grant us a licence.

Sd. x x x x
Partner.

True copy

Municipal Health Officer.

15 Enclosure No 5

Copy of letter dated the 27th June 1945 from Mizar Krishna Annappa Pai Mangalore, to the Commissioner, Mangalore Municipality, Mangalore.

The suggestions mentioned in the inspection notes of the Assistant Director of Public Health, copy of which was sent to us by the Municipal Health Officer on 4th June 1945 with reference to the working of our cashew nut factory have been carried out. We have installed necessary apparatus to eliminate all objectionable features of the smoke and smell of gases in the factory. The certificate dated the 18th June, 1945 from the Industrial Engineer, Madras, as to the satisfactory nature of the said apparatus was sent to the Health Officer on 19th June, 1945 with a request to grant the licence to us. We regret that no licence has yet been issued. We may bring to your notice that every day's delay in opening the factory entails heavy loss besides the hardship to the thousands of labourers who are kept out of employment. We request you therefore to expedite the granting of the licence.

True copy

No. 9478/44.

Copy of letter dated the 27th June, 1945 of Mizar Krishna Annappa Pai & Co., Mangalore is communicated to the Municipal Health Officer. He is requested to report within twentyfour hours whether all the defects pointed out by the Asaistant Director of Public Health in his report have been rectified in the manner stated by him by the Factory owners as required in G.O.No.1622 P.H. dated the 19th June, 1945.

Sd. B. Suryanarayana Rao.
Commissioner.

True Copy.

Municipal Health Officer

Government of Madras

ABSTRACT

Licence-Mangalore Municipality-Cashewnut factory of Messrs Mizar Krishna Annappa Pai Co., -Nuisance caused by the working of-inaction on the part of the Commissioner and Health Officer-orders issued.

Education and Public Health Department.

G. O. No. Ms. 1622 Public Health. Dated 19th June 1945.

Read the following:—

From

Messrs. Chudappa, Sequeira, Badruddin of Boloor, Mangalore.

Telegram dated 7th April 1945 and petition dated 30th April 1945.

From C. L. Lobo, Vice-Chairman, Municipal Council, Mangalore, letter dated 28th May 1945.

From The Director of Public Health No. R. 18870 Hyg. 45-5 dated 1st June 1945.

From The Commissioner, Mangalore Municipality, Mangalore, No. C. 4/9478/44 dated 2nd June 1945.

The correspondence read above and especially the inspection notes of the Assistant Director of Public Health sent with the Director's letter read above, show that the Cashewnut factory of Mizar Krishna Annappa Pai & Co., in R. S. Nos. 71, 72 and 73 of Boloor village, Mangalore Municipality has been working from April 1944 without a licence under Section 249 of the Madras District Municipalities Act, that the processes carried on in the factory are a source of considerable nuisance to the residents of the locality and that the conditions in which the factory is being run constitute a danger to the health of the factory workers and of the residents of the locality. In spite of the public agitation against the factory and the Municipal Council's resolutions on the subject, the Government find that the Municipal Commissioner and the Municipal Health Officer took no action whatever to stop the nuisance caused by the factory. Effective steps should now be taken to put an end to the offensive operations carried on in the factory in question.

The Commissioner, Mangalore Municipality, is therefore directed to take immediate steps to prosecute the owners of the factory under Section 313 and Schedule VII read with section 249 of the Madras District Municipalities Act 1920 and to continue the prosecutions until the processes in the factory which cause nuisance are entirely stopped.

A Copy of the inspection report of the Assistant Director of Public Health is forwarded to the Commissioner. A licence should be issued to the owners of the factory only when all the defects pointed out by the Assistant Director of Public Health in his report have been rectified in the manner stated by him.

2. Inspector of Municipal Councils and Local Boards

The Director of Public Health is requested to obtain explanation/explanations of the Commissioner concerned / Municipal Health Officer for their omission to take action in this regard and to submit their / his explanations to Government with the Inspector's/ Director's remark.

3. The Government note that there has been delay also in the office of the Director of Public Health as regards this matter.

4. The petitioners are refered to the Commissioner, Mangalore Municipality, for orders on their petition.

(By order of His Excellency the Governor)

(Sd.) **C. O. Coory,**
Deputy Secretary to Government.

S.N.G.P.M. 30-5-45—500

ಮದ್ರಾಸ್ ಗೆಜೆಟ್

ಲೈಸನ್ಸ್–ಮಂಗಳೂರು ಮ್ಯುನಿಸಿಪಾಲಿಟಿ, ಮಿಜಾರ್ ಕೃಷ್ಣ ಅಣ್ಣಪ್ಪ ಪೈ ಕಂಪೆನಿಯವರ ಗೇರುಬೀಜ ಕಾರ್ಖಾನೆ ಕಾರ್ಖಾನೆ ನಡೆಸುವುದರಿಂದುಂಟಾಗುವ ತೊಂದರೆಗಳ–ಕಮಿಶನರ್ ಮತ್ತು ಹೆಲ್ತ್ ಆಫೀಸರರ ತಾಟಸ್ಥ್ಯ–ಹುಕುಮು ಜ್ಯಾರಿ.

ವಿದ್ಯೆ ಮತ್ತು ಆರೋಗ್ಯ ಖಾತೆ

ಜಿ. ಒ. ನಂ. Ms 1622 ಪಬ್ಲಿಕ್ ಹೆಲ್ತ್ ತಾ. 19ನೇ ಜೂನ್ 19[illegible]

ಈ ಕೆಳಗಿನವರಿಂದ–ಬೋಳೂರು ಗ್ರಾಮದ ಮೆಸರ್ಸ್ ಚೂಡಪ್ಪ, ಸಿಕೇರ್ಸ್ ಬದ್ರುದ್ದೀನ್.

1945ನೇ ಎಪ್ರಿಲ್ ತಾ. 7ರ ತಂತಿ ಮತ್ತು 1945ನೇ ಎಪ್ರಿಲ್ ತಾ. 30ರ ಅರ್ಜಿ. ಮಿ| ಸಿ. ಎಲ್. [illegible] ವೈಸ್ ಚೇರ್‌ಮೆನ್, ಮಂಗಳೂರು ಮ್ಯುನಿಸಿಪಾಲಿಟಿ ಇವರ 1945ನೇ ಮೇ ತಾ. 28ರ ಪತ್ರ.

ನಂ. R. 18870 Hyg. 45–5, 1945ನೇ ಜೂನ್ ತಾ. 1ರ ಪಬ್ಲಿಕ್ ಹೆಲ್ತ್ ಡೈರೆಕ್ಟರರ ಪತ್ರ.

ಮಂಗಳೂರು ಮ್ಯುನಿಸಿಪಲ್ ಕಮಿಶನರ 1945ನೇ ಜೂನ್ ತಾ. 2ರ ನಂ. C. 4/9478/44ರ ಪತ್ರ.

ಹುಕುಮು

ಮೇಲಿನ ಪತ್ರವ್ಯವಹಾರವನ್ನು ಪಬ್ಲಿಕ್ ಹೆಲ್ತ್ ಡೈರೆಕ್ಟರರ ಪೆತ್ರದೊಂದಿಗೆ ಕಳುಹಿಸಿದ [illegible] ಹೆಲ್ತ್ ಡೈರೆಕ್ಟರರ ನೋಟ್ಸನೊಂದಿಗೆ ಓದಲಾಗಿ, ಮಂಗಳೂರು ಮ್ಯುನಿಸಿಪಾಲಿಟಿಯೊಳಗಣ ಬೋಳೂರು ಗ್ರಾಮದ R. ನಂಬ್ರ 71, 72 ಮತ್ತು 73ರಲ್ಲಿರುವ ಮಿಜಾರು ಕೃಷ್ಣ ಅಣ್ಣಪ್ಪ ಪೈ ಮತ್ತು ಕಂಪೆನಿಯವರ ಗೇರು ಬೀಜದ ಕಾರ್ಖಾನೆಯ ಮದ್ರಾಸ್ ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಮ್ಯುನಿಸಿಪಾಲಿಟೀಸ್ ಆಕ್ಟಿನ 249ನೇ ಸೆಕ್ಷನಿಗನುಸಾರವಾಗಿ ಲೈಸನ್ಸ್ ಪಡೆಯದೆನೇ 1944ನೇ ಇ ಎಪ್ರಿಲ್ ತಿಂಗಳಿಂದೆ ಕೆಲಸಮಾಡುತ್ತದೆಂದೂ, ಆ ಕಾರ್ಖಾನೆಯಲ್ಲಿ ಕೆಲಸ ನಡೆಸಲ್ಪಡುವ ವಿಧಾನಗಳು ಕಾರ್ಖಾನೆಯ ಪಾಸುಗಳಲ್ಲಿ ವಾಸಮಾಡುವವರಿಗೆ ಬಹಳ ಸಂಕಷ್ಟಗಳನ್ನುಂಟುಮಾಡುವಂತಹವಾಗಿವೆಯೆಂದೂ ಮತ್ತು ಕಾರ್ಖಾ ಯನ್ನು ನಡೆಸುವ ವಿಧಾನಗಳಿಂದಾಗಿ ಕಾರ್ಖಾನೆಯ ಕೆಲಸಗಾರರ ಆರೋಗ್ಯಕ್ಕೂ ಆಸುಪಾಸುಗಳ ಜನರ ಆರೋಗ್ಯ ಹಾನಿಕರವಾಗಿವೆಯೆಂಬುದನ್ನೂ ಸೂಚಿಸುತ್ತದೆ ಕಾರ್ಖಾನೆಯ ವಿರುದ್ಧವಾಗಿ ಜನರ ಚಳವಳ, ಅದೇ ವಿಷಯದಲ್ಲಿ ಮ್ಯು ಪಾಲಿಟಿಯ ಠರಾವುಗಳು—ಇದ್ದರೂ ಮ್ಯುನಿಸಿಪಲ್ ಕಮಿಶನರಾಗಲಿ, ಹೆಲ್ತ್ ಆಫೀಸರರಾಗಲಿ ಯಾವ ಕಾರ್ಯಕ್ರಮವನ್ನೂ ಜ್ಯಾರಿ ಮೊಹಲಿಲ್ಲವೆಂದು ಸರಕಾರಕ್ಕೆ ತಿಳಿದು ಬಂದಿದೆ. ಸಂಬಂಧ ಪಟ್ಟ ಕಾರ್ಖಾನೆಯಲ್ಲಿ ನಡೆಯುವ ಹಾನಿಕಾರಕ ರೀತಿಗಳನ್ನು ನಿಲ್ಲಿಸುವುದಕ್ಕೆ ಸರಿಯಾದ ಕಾರ್ಯಕ್ರಮಗಳನ್ನು ಈಗ ಕೈಕೊಳ್ಳ ಬೇಕಾಗಿದೆ.

ಆದಕಾರಣ 1920ನೇ ಇಸವಿಯ ಮದ್ರಾಸ್ ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಮ್ಯುನಿಸಿಪಾಲಿಟೀಸ್ ಆಕ್ಟಿನ 313ನೇ ಸೆಕ್ಷನ್, ಶೆಡ್ಯೂಲ್ VII ಮತ್ತು 249ನೇ ಸೆಕ್ಷನ್‌ಗಳಗನ್ವಯ ಕೂಡಲೆ ಕಾರ್ಖಾನೆಯ ಮ್ಹಾಲಕರನ್ನು ಪ್ರಾಸಿಕ್ಯೂಟ್ ಮಾಡಬೇಕಾಗಿಯೂ ಈ ನ್ಯೂಸೆನ್ಸ್‌ಗಳನ್ನುಂಟುಮಾಡುವ ಕಾರ್ಖಾನೆಯು ನ್ಯೂಸೆನ್ಸನ್ನುಂಟುಮಾಡುವ ವಿಧಗಳನ್ನು ಸಂಪೂರ್ಣ ನಿಲ್ಲಿಸುವ ವರೆಗೆ ಅವರನ್ನು ಪ್ರಾಸಿಕ್ಯೂಟ್ ಮಾಡುತ್ತಿರಬೇಕೆಂದೂ ಕಮಿಶನರಿಗೆ ಆಜ್ಞೆ ಕೊಡುತ್ತದೆ.

ಅಸಿಸ್ಟೆಂಟ್ ಡೈರೆಕ್ಟರ್ ಆಫ್ ಪಬ್ಲಿಕ್ ಹೆಲ್ತ್ ಇವರ ವರದಿಯ ಪ್ರತಿಯೊಂದನ್ನು ಕಮಿಶನರಿಗೆ ಕಳುಹಿಸಲಾಗಿದೆ. ಅಸಿಸ್ಟಾಂಟ್ ಡೈರೆಕ್ಟರ್ ಆಫ್ ಪಬ್ಲಿಕ್ ಹೆಲ್ತ್ ಇವರು ತಮ್ಮ ವರದಿಯಲ್ಲಿ ಸೂಚಿಸಿರುವ (ಹಾನಿಕಾರಕ) ವಿಧಾನಗಳನ್ನು ನಿಲ್ಲಿಸಿ, ಅವರ ಸೂಚನೆಯಂತೆ ಅವನ್ನು ಸರಿಪಡಿಸಿದ ಅನಂತರದಲ್ಲಿಯೇ ಕಾರ್ಖಾನೆ ಮ್ಹಾಲಕರಿಗೆ ಲೈಸನ್ಸ್ ಕೊಡಬಹುದು.

(2) ಮ್ಯುನಿಸಿಪಲ್ ಕೌನ್ಸಿಲ್ಸ್ ಮತ್ತು ಲೋಕಲ್ ಬೋರ್ಡುಗಳ ಇನ್ಸ್‌ಪೆಕ್ಟರು/

ದಿ ಡೈರೆಕ್ಟರ್ ಆಫ್ ಪಬ್ಲಿಕ್ ಹೆಲ್ತ್ ಇವರು ವಿತಕ್ಕಾಗಿ ಈ ಬಾಬಿನಲ್ಲಿ ಕಾರ್ಯಕ್ರಮವನ್ನು ತೆಗೆದುಕೊಳ್ಳಲಿಲ್ಲ ಎಂಬ ಬಗ್ಗೆ ಸಂಬಂಧಪಟ್ಟ ಕಮಿಶನರ/ಮ್ಯುನಿಸಿಪಲ್ ಹೆಲ್ತ್ ಆಫೀಸರರ ಉದಾಹರಣೆ/ಉದಾಹರಣೆಗಳನ್ನು ಪತ್ತೆ ತನ್ನ/ತಮ್ಮ ಉಹಾಹರಣೆಗಳನ್ನು ಇನ್ಸ್‌ಪೆಕ್ಟರರ/ಡೈರೆಕ್ಟರರ ರಿಮಾರ್ಕುಗಳೊಂದಿಗೆ ಕಳುಹಿಸಬೇಕೆಂದು ಕೇಳಿ ಕೊಳ್ಳಲ್ಪಟ್ಟಿದ್ದಾರೆ.

(3) ಈ ವಿಚಾರದಲ್ಲಿ ಡೈರೆಕ್ಟರರ ಆಫೀಸಿನಲ್ಲಿ ಕಾಲವಿಳಂಬವಾಗಿದೆಯೆಂಬುದು ಸರಕಾರದ ಅವಗಾಹನೆಗೆ ಬಂದಿದೆ.

(4) ತಮ್ಮ ಅರ್ಜಿಯ ಮೇಲಿನ ತೀರ್ಪಿಗೆ ಅರ್ಜಿದಾರರು ಮಂಗಳೂರು ಮ್ಯುನಿಸಿಪಾಲಿಟಿಯ ಕಮಿಶನರನ್ನು ಕೇಳಬೇಕು.

(ಮಾನ್ಯ ಗವರ್ನರ್ ದೊರೆಗಳ ಅಪ್ಪಣೆ ಪ್ರಕಾರ.)

(ಸಹಿ) ಸಿ. ಛ. ಕೂರಿ,
ಸರಕಾರದ ಡೆಪ್ಯುಟಿ ಸೆಕ್ರೆಟರಿ.

(ಯಥಾನಕಲು)

ಸಾರ್ವಜನಿಕರಲ್ಲಿ ವಿಜ್ಞಾಪನೆ.

ತಾ. 1—7—45ನೇ ಆದಿತ್ಯವಾರ ಅಪರಾಹ್ನ ಘಂಟೆ 6ಕ್ಕೆ ಉರ್ವ ಶ್ರೀಮತಿ ಲಕ್ಷ್ಮೀಬ್ಬಾಯಿಯವರ ಕಟ್ಟಡದ ಮಾಳಿಗೆಯಲ್ಲಿ ಮದ್ರಾಸ್ ಆಧಿಪತ್ಯದ ಗವರ್ನರ್ ದೊರೆಗಳು ನಮ್ಮ ಅರ್ಜಿಗೆ ಕೊಟ್ಟ ಹುಕುಮನ್ನು ಮಹಾಜನರಿಗೆ ವಿವರಿಸಿ, ಆ ಬಗ್ಗೆ ಮಾನ್ಯ ಗವರ್ನರ್ ದೊರೆಗಳವರಿಗೆ ನಮ್ಮಗಳ ಕೃತಜ್ಞತೆಯನ್ನು ಬಹಿರಂಗವಾಗಿ ಅರ್ಪಿಸುವರೆ, ಪ್ರಸಿದ್ಧ ವಕೀಲರೂ ಮಂಗಳೂರು ಮ್ಯುನಿಸಿಪಾಲಿಟಿಯ ವೈಸ್ ಚೇರ್‌ಮೇನರೂ ಆದ ಶ್ರೀ| ಸಿ. ಎಲ್. ಲೋಬೊ ಇವರ ಅಧ್ಯಕ್ಷತೆಯಲ್ಲಿ ಮಹಾಜನರ ಸಭೆಯನ್ನು ಜರಗಿಸಲು ನಿರ್ಧರಿಸಿದ್ದೇವೆ. ಮಹಾ ಜನರೆಲ್ಲರೂ ಸಕಾಲಕ್ಕೆ ಬಂದು ಸಹಕರಿಸಬೇಕಾಗಿ ವಿನಂತಿಸಿಕೊಳ್ಳುವ

ಎ. ಚೂಡಪ್ಪ,
ಕೆನರಾ ವಾಚ್ ವರ್ಕ್ಸ್.

ಜೋನ್ ಸಿಕೇರ,
ಮಗ್ಗದ ಕಾರ್ಖಾನೆಯ ಮ್ಹಾಲಕ.

ಹಾಜಿ ಬದ್ರುದ್ದೀನ್,
ದಿ ಮುಸ್ಲಿಂ ಜಮಾತ್ ಐಕ್ಯ ಸಂಘ, ರಿಜಿಸ್ಟರ್ಡ್.

ಅಡಿಕೆಯ ಸುಂಕದ
ಮರುಪಾವತಿ ವಿಚಾರ

(ಜಿ. ಕೆ. ಗೋವಿಂದ ಭಟ್ ತೋಟಗಾರರ ಸಂಘದ ಕಾಯದರ್ಶಿ.)

೧೯೪೫ ಇಸವಿ ಮಾರ್ಚ್ ೧ನೇ ತಾರೀಕಿನ ಮೊದಲು ಮದರಿಂದ ಕೊಯಿದು, ೧-೪-೪೫ರ ಅನಂತರ ಮಾರಾಟವಾದ ಅಡಿಕೆಯ ಮೇಲೆ ನಮ್ಮ ಜಿಲ್ಲೆಯಲ್ಲಿ ಅನೇಕ ಲಕ್ಷ ರೂಪಾಯಿ ಸುಂಕ ವಸೂಲಾಗಿತ್ತು. ತೋಟಗಾರರ ಸಂಘವು ಹೀಗೆ ವಸೂಲಾದ ಸುಂಕವು ಕಾನೂನು ಬಾಹಿರವೆಂದು ವಾದಿಸಿದ ಮೇರೆಗೆ ಸೆಂಟ್ರಲ್ ಬೋರ್ಡ್ ಆಫ್ ರೆವಿನ್ಯೂ ಮೆಂಬರರು ೧೬-೫-೪೫ರ ಮೊದಲು ಮದರಿಂದ ಕೊಯಿದ ಅಡಿಕೆಯ ಮೇಲೆ ವಸೂಲಾದ ಸುಂಕವನ್ನು ವಾಪಾಸು ಕೊಡಬೇಕೆಂದು ಅಡಿಕೆ ಅಬ್ಕಾರಿ ಆಫೀಸರುಗಳಿಗೆ ಹುಕುಂ ಮಾಡಿರುವರು.

ನಮ್ಮ ಜಿಲ್ಲೆಯ ಕೆಲವು ಕೇಂದ್ರಗಳಲ್ಲಿ ಎಲ್ಲಾ ಅಡಿಕೆಯೂ ಮಾರ್ಚ್ ೧ರ ಮೊದಲು, ಕೊಯ್ಯಲ್ಪಡುತ್ತದೆ. ಮತ್ತು ಮಿಕ್ಕ ಕೇಂದ್ರಗಳಲ್ಲಿ ಸೇಕಡಾ ಟಾಗಿಂದ ೯೯ರ ವರೆಗೆ ಕೊಯ್ಯಲ್ಪಡುವುದು. ೧೯೪೪-೪೫ನೆ ಇಸವಿಯಲ್ಲಿ ತೋಟಗಾರರು ಅಬ್ಕಾರಿ ರೂಲ್ಸ್ ನೋರೆಗೆ ಬರೆದಿಟ್ಟುಕೊಂಡ ಲೆಕ್ಕ ಪುಸ್ತಕಗಳು ಈ ವಿಷಯವನ್ನು ರುಜುಪಡಿಸುತ್ತದೆ. ಚಿಕ್ಕ ತೋಟಗಾರರು ಯಾವ ಲೆಕ್ಕಪತ್ರಗಳನ್ನೂ ಇಟ್ಟಿರುವುದಿಲ್ಲ. ಆದರೆ ದೊಡ್ಡ ತೋಟಗಾರರ ಪುಸ್ತಕಗಳಿಂದ ಒಂದು ಕೇಂದ್ರದಲ್ಲಿ ಸೇಕಡಾ ಎಷ್ಟು ಅಂಶ ಮಾರ್ಚ್ ೧ರ ಮೊದಲು ಕೊಯಿದಾಗುವುದೆಂದು ನಿರ್ಧರಿಸಬಹುದು. ತಾ. ೧೭-೬-೪೫ರ ರಾಷ್ಟ್ರಬಂಧುವಿನಲ್ಲಿ ಕೇಳಿದ ೩ನೇ ಪ್ರಶ್ನೆಯ ಉತ್ತರದಿಂದ ಒಂದೊಂದು ಕೇಂದ್ರದಲ್ಲಿ ಮಾರ್ಚ್ ೧ರ ಮೊದಲು ಕೊಯಿದಾಗುವ ಅಡಿಕೆಯ ಪರಿಮಾಣವನ್ನು ರುಜುವಾತು ಕೊಡಲು ನಮಗೆ ಸಾಧ್ಯವಾಗುವುದು. ೧೯೪೩-೪೪ನೆ ಫಸಲಿನಲ್ಲಿ ಒಟ್ಟು ಬೆಳೆದ ಅಡಿಕೆ, ಸುಂಕವಿಲ್ಲದೆ ಮಾರಾಟವಾದ ಅಡಿಕೆ ಮತ್ತು ಸುಂಕಕೊಟ್ಟು ಮಾರಾಟವಾದ ಅಡಿಕೆಯ ಪರಿಮಾಣವನ್ನು ೫-೬ನೇ ಪ್ರಶ್ನೆಗಳಿಗೆ ಉತ್ತರವಾಗಿ ತೋಟಗಾರರು ರುಜುಪಡಿಸಿದಲ್ಲಿ ೧-೩-೪೫ರ ಮೊದಲು ಕೊಯಿದಾಗಿ ಸುಂಕವನ್ನು ಮರುಪಾವತಿ ಪಡೆಯಲು ಸಾಧ್ಯವಾಗುವುದು.

ಅನೇಕ ತೋಟಗಾರರು ರಾಷ್ಟ್ರಬಂಧುವಿನಲ್ಲಿ ಪ್ರಕಟಿಸಿದ ಪ್ರಶ್ನೆಗಳಿಗೆ ಸರಿಯಾದ ಉತ್ತರವನ್ನು ಕೊಡದೆ ತಮ್ಮ ಮನಸ್ಸಿಗೆ ಬಂದಂತೆ ಬರೆದು ಸಂಘಕ್ಕೆ ಕಳುಹಿಸಿರುತ್ತಾರೆ. ರುಜುವಾತು ಕೊಡಲು ಅನುಭವ ಇಲ್ಲದವರು ಅನುಭವ ಇದ್ದವರಿಂದ ಅಥವಾ ಸಂಘದ ಆಫೀಸಿಗೆ ಬಂದು ಅನುಭವ ಪಡೆದು ಯೋಗ್ಯ ರುಜುವಾತನ್ನು ಕೊಡಬೇಕು.

ದಲಾಲಿ ವ್ಯಾಪಾರಿಗಳ ಮೂಲಕ ತೋಟಗಾರರು ಸುಂಕವನ್ನು ತುಂಬಿಸಿದ್ದಲ್ಲಿ ತೋಟಗಾರರ ಪರವಾಗಿ ಸುಂಕತೆತ್ತ ದಲಾಲಿ ವ್ಯಾಪಾರಿಗಳು ಮರುಪಾವತಿ ಕೇಳಬೇಕು. ಮತ್ತು ಮರುಪಾವತಿ ತನಿಪಿ ಸಮಯ ತೋಟಗಾರರು ತನ್ನ ಅಡಿಕೆಯು ೧-೩-೪೫ರ ಮೊದಲು ಕೊಯಿದುದೆಂದು ರುಜುಪಡಿಸಬೇಕು. ಮಂಗಳೂರಿನ ಅಡಿಕೆ ದಲಾಲಿ ವ್ಯಾಪಾರಿಗಳ ಪೈಕಿ ತೋಟಗಾರರ ಪರವಾಗಿ ದ. ಕ. ಕೃಷಿಕರ ಭಂಡಸಾಲೆಯವರೂ, ಕರ್ನಾಟಕ ವ್ಯವಸಾಯ ವರ್ತಕ ಸಂಘದವರೂ, ನೇಮಿರಾಜ ಪಡಿವಾಳರೂ ಮತ್ತು ರಾಮಚಂದ್ರ ಮಾಧವ ದಾಸರೂ ಸುಂಕ ಮರುಪಾವತಿ ಕೇಳಿರುವರು. ಇತರ ದಲಾಲಿ ವ್ಯಾಪಾರಿಗಳು ಈ ತನಕ ಸುಂಕಕೊಟ್ಟ ವಿವರವನ್ನು ಕೊಟ್ಟಿರುವುದಿಲ್ಲ ಆದಕಾರಣ ಮೇಲೆ ಹೇಳಿದ ದಲಾಲಿ ವ್ಯಾಪಾರಿಗಳ ಸೊರತು ಮಿಕ್ಕ ದಲಾಲಿ ವ್ಯಾಪಾರಿಗಳ ಮೂಲಕ ಅಡಿಕೆ ಸುಂಕಕೊಟ್ಟ ರೈತರು ಅವರು ಮರುಪಾವತಿ ಕೇಳುವಂತೆ ತೋಟಗಾರರು ಮಾಡಬೇಕು.

ಪ್ರತ್ಯೇಕ ಪ್ರತ್ಯೇಕವಾಗಿ ತೋಟಗಾರರಿಗೆ ರುಜುಪಡಿಸಲು ಅಸಾಧ್ಯವಾದ ಕಾರಣ ಒಂದೊಂದು ಕೇಂದ್ರದ ಎಲ್ಲಾ ತೋಟಗಾರರ ಅರ್ಜಿಗಳನ್ನು ಒಂದೇ ಸಲ ತನಿಪಿಮಾಡಬೇಕಾಗುತ್ತದೆ. ತೋಟಗಾರರ ಸಂಘವು ಎಲ್ಲಾ ತೋಟಗಾರರ ಪರವಾಗಿ ಬೇಕಾದ ರುಜುವಾತನ್ನು ಕೊಡುವುದಾಗಿ ತಾ. ೧೫-೬-೪೫ರಲ್ಲಿ ಅಸಿಸ್ಟೆಂಟ್ ಕಲೆಕ್ಟರಿಗೂ ತೋಟಗಾರರ ಸಂಘದ ಪ್ರತಿನಿಧಿಗಳಿಗೂ ನಡೆದ ಮಿಟಿಂಗಿನಲ್ಲಿ ನಿಶ್ಚಯಿಸಲಾಗಿದೆ.

ಕೆಲವು ತೋಟಗಾರರು ಮತ್ತು ಅಡಿಕೆ ವ್ಯಾಪಾರಿಗಳು ತಾಲೂಕು ಕೇಂದ್ರಗಳಲ್ಲಿ ಸುಂಕ ಕೊಟ್ಟಿರುತ್ತಾರೆ. ಹಾಗೆ ಸುಂಕಕೊಟ್ಟವರು ಕ್ರಮವಾದ ಅರ್ಜಿ ಮೂಲಕ ಸುಂಕ ಮರುಪಾವತಿ ಕೇಳಬೇಕು.

ಕುಂದಾಪುರ ಮತ್ತು ಕಾರ್ಕಳ ತಾಲೂಕು ಗಳಲ್ಲಿ ಎಲ್ಲಾ ಅಡಿಕೆಯೂ ಮಾರ್ಚ್ ಮೊದಲೇ ಕೊಯಿದಾಗುವುದು. ಇದಕ್ಕೆ ಬೇಕಾದ ೧೯೪೪-೪೫ನೇ ಇಸವಿಯ ಲೆಕ್ಕ ಪುಸ್ತಕವು ಆಧಾರಗಳನ್ನು ತೋಟಗಾರರು ಕೊಡಬೇಕು. ಕುಂದಾಪುರ ತಾಲೂಕಿನಲ್ಲಿ ನೀರಡಿಕೆ ಬೆಚ್ಚು ಖರ್ಚಾಗುವುದರಿಂದ ಅಲ್ಲಿ ಬೆಲ್ಲರೆ ವ್ಯಾಪಾರಿಗಳು ಸುಂಕಕೊಟ್ಟಿರುತ್ತಾರೆ. ಅವರು ಕೂಡ ಸುಂಕ ಮರುಪಾವತಿ ಕೇಳಬೇಕು.

ನಮ್ಮ ಜಿಲ್ಲೆಯ ತೋಟಗಾರರಿಂದ ಅನ್ಯಾಯವಾಗಿ ಸಮಾರು ೧೫ ಲಕ್ಷ ರೂಪಾಯಿ ೧-೩-೪೫ರ ಮೊದಲು ಕೊಯಿದ ಅಡಿಕೆ ಮೇಲೆ ಸುಂಕ ವಸೂಲಾಗಿದೆ. ಎಲ್ಲಾ ತೋಟಗಾರರು, ಮತ್ತು ಅಡಿಕೆ ವ್ಯಾಪಾರಿಗಳು ಪರಸ್ಪರ ಸಹಾಯ್ಯದಿಂದ ಸುಂಕ ಮರುಪಾವತಿ ಕೇಳುವುದಲ್ಲದೆ ಸರಿಯಾದ ರುಜುವಾತುಗಳನ್ನು ಕೊಟ್ಟು ಹಣವು ವಾಪಾಸು ಸಿಕ್ಕುವಂತೆ ಪ್ರಯತ್ನಿಸುವುದು ಅಗತ್ಯ. ಜುಲಾಯಿ ೧೫ರ ಅನಂತರ ಮರುಪಾವತಿ ವಿಚಾರದಲ್ಲಿ ವಿಚಾರಣೆಯನ್ನು ಅಧಿಕಾರಿಗಳು ಕೈಗೊಳ್ಳುವ ಕಾರಣ ಆದರ ಮೊದಲು ತೋಟಗಾರರ ಎಲ್ಲಾ ರುಜುವಾತುಗಳು ಸಂಘಕ್ಕೆ ಮುತಲಪ ಬೇಕು.

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ಅಡಿಕೆ ಸುಂಕ ಮರುಪಾವತಿ ವಿಚಾರದಲ್ಲಿ ತಾ. ೧೪-೭-೪೫ರಲ್ಲಿ ೩ ಘಂಟೆಗೆ ಪುತ್ತೂರು ಸೊಸೈಟಿ ಕಟ್ಟಡದಲ್ಲಿ ಶ್ರೀ. ಸಿ ಯಸ್. ಶಾಸ್ತ್ರಿಗಳ ಅಧ್ಯಕ್ಷತೆಯಲ್ಲಿ ತೋಟಗಾರರ ಸಭೆ ಸೇರುವುದು. ಜಿಲ್ಲೆಯ ಪ್ರತಿಯೊಂದು ಗ್ರಾಮದಿಂದ ತೋಟದ ಪ್ರತಿನಿಧಿಗಳು ಬರುವುದು ಅಗತ್ಯ

ಮಂಗಳೂರು-ಜಿಲ್ಲಾ ಸಮಾಚಾರ

(ನಮ್ಮ ಪ್ರತಿನಿಧಿಗಳಿಂದ)

ಆಹಾರ ಸಮಿತಿ ಜಿಲ್ಲಾ ಕಾಂಗ್ರೆಸ್ ಕೆಲಸಗಾರರ ಸಮಿತಿಯ ಆಶ್ರಯದಲ್ಲಿ ಸ್ಥಾಪಿತವಾಗಿ ಇತ್ತೀಚೆಗೆ ವಿಸ್ತೃತವಾದ ಆಹಾರ ಸಮಿತಿಯು ತಾ. ೨೪ರಂದು ಶ್ರೀ ಕೆ. ಬಿ. ಜಿನರಾಜ ಹೆಗ್ಡೆ ಅವರ ಅಧ್ಯಕ್ಷತೆಯಲ್ಲಿ ಜರಗಿತು. ಅಧ್ಯಕ್ಷರು ಪ್ರಸ್ತುತದ ಜಿಲ್ಲೆಯ ಆಹಾರ ಪರಿಸ್ಥಿತಿಯನ್ನು ವಿವರಿಸಿ, ಈ ಕುರಿತು ಕೇಂದ್ರ ಸರಕಾರದಿಂದ ತನಗೆ ಬಂದಿದ್ದ ಆಶ್ವಾಸನಾ ಪತ್ರದ ವಿಚಾರವನ್ನೂ ತಿಳಿಸಿದರು. ಭತ್ತ ಮತ್ತು ಅಕ್ಕಿಗಳ ಸಂಗ್ರಹಣ ಹಾಗೂ ವಿತರಣ ಕಾರ್ಯಕ್ರಮಗಳು ದೋಷರಹಿತವಾಗಿ ಆಗುವಂತೆ ಮಾಡುವುದಕ್ಕಾಗಿ ತಾಲೂಕು ಸಮಿತಿಗಳನ್ನು ರಚಿಸುವ ತೀರ್ಮಾನವಾಯಿತು. ಗೋಧಿಯ ಕೃಯವನ್ನು ಇಳಿಸಬೇಕು-ಅಥವಾ ಹಸುಗೆಯ ಪೂರ್ಣ ಪಡಿಯನ್ನು ಅಕ್ಕಿಯ ರೂಪದಲ್ಲಿ ಕೊಡಿಸಬೇಕು ಎಂದು ಮದ್ರಾಸ್ ಸರಕಾರದೊಡನೆ ವಿನಂತಿಸಿಕೊಳ್ಳುವ ನಿರ್ಣಯವನ್ನು ಕೈಕೊಂಡು ಇದನ್ನು ಮುಂದಿನ ಕಾರ್ಯಕ್ಕಾಗಿ ಪ್ರಾಂತೀಯ ಆಹಾರ ಸಮಿತಿಯ ಸದಸ್ಯರಾದ ಶ್ರೀ. ಎ. ಬಿ. ಶೆಟ್ಟಿಯವರಿಗೊಪ್ಪಿಸಲಾಯಿತು. ಸಂಗ್ರಹಣ ವಿಧಾನದಲ್ಲಿ ತಿದ್ದುಪಡಿಗಳಾಗಬೇಕು, ಪೋಲೀಸರ ದಾಳಿ ಇತ್ಯಾದಿಗಳ ಬಗೆಗೂ ನಿರ್ಣಯಗಳಾದುವು.

ಜಿಲ್ಲಾ ಕಾಂಗ್ರೆಸ್ ಕಾರ್ಯಕರ್ತರ ಸಮಿತಿಯ ಎಲ್ಲಾ ಸದಸ್ಯರ ಸಾಧಾರಣ ಸಭೆಯು ತಾರೀಕು ೪—೭—೪೫ಕ್ಕೆ ಕಟ್ಟಾಡಿಯಲ್ಲಿ ಜರಗಿಸಬೇಕೆದು ನಿರ್ಣಯಿಸಿದ್ದರೂ ಕಾರಣಾಂತರವಿಂದ ಮುಂದಿನ ಬೇಕಾದುದರಿಂದ ಸಭೆಯು ತಾ. ೨೯—೭—೪೫ಕ್ಕೆ ಅಪರಾಹ್ನ ೩ ಘಂಟೆಗೆ ಮಂಗಳೂರು ಕೊಡಿಯಾಲಬೈಲಲ್ಲಿರುವ ಥಿಯೋಸೋಫಿಕಲ್ ಕಟ್ಟಡದಲ್ಲಿ ಜರಗುವದು. ಸದಸ್ಯರೆಲ್ಲರೂ ಬರಬೇಕಾಗಿ ವಿನಂತಿ.

ಅದೇ ದಿನ ೫ ಘಂಟೆಗೆ ಅಲ್ಲಿಯೇ ಕಳೆದ ತಾರೀಕು ೨೪ರಲ್ಲಿ ಮುಂದಿರಿಸಿದ ಆಹಾರ ಕಮಿಟಿಯ ಸಭೆಯೂ ಜರಗಲಿರುವುದೆಂದು ಕನ್ವೀನರ್ ಶ್ರೀ. ಕೋಟ ರಾಮಕೃಷ್ಣ ಕಾರಂತರು ತಿಳಿಸುತ್ತಾರೆ.

ವ್ಯಾಪಾರಿಗಳು ಕೇಶ್‌ಮೆಮೊಗಳನ್ನು ಅನೇಕ ಸಂದರ್ಭಗಳಲ್ಲಿ ಕೊಡುವುದಿಲ್ಲ. ಕೊಟ್ಟರೂ ಅವುಗಳಲ್ಲಿ ವಿವರಗಳನ್ನು ತಾನೆಸುವುದಿಲ್ಲ. ಇಂತಹ ಸಂದರ್ಭಗಳು ಪತ್ತೆಯಾದಲ್ಲಿ ತಪ್ಪಿತಸ್ಥರನ್ನು ಶಿಕ್ಷಿಸುವಿಕೆ ಮತ್ತು ಲಾಭಬೋರತನ ಪ್ರತಿಬಂಧಕಾಜ್ಞೆಯ ನಿಬಂಧನೆಗೊಳಪಡಿಸಿ ಕಡಿಣ ಶಿಕ್ಷೆಗೆ ಗುರಿಪಡಿಸಲಾದೀತು ಎಂದು ಕಮರ್ಶಿಯಲ್ ಟೇಕ್ಸ್ ಆಫೀಸರರು ಎಚ್ಚರಿಸುತ್ತಾರೆ.

ಬಂದರದ ಬೆಲ್ಲ ವ್ಯಾಪಾರಿಗಳ್ಬಬಲು ಅಧಿಕ ಬೆಲೆಗೆ ಬೆಲ ಮಾರಿದರಂಬ ಅಪಾದನೆಗೊಳಗಾಗಿ ಒಟ್ಟು ರೂ ೨ ಸಾವಿರ ಜುರುಮಾನೆಕೊಡಬೇಕಾಯ್ತು.

ಅ. ಭಾ. ಚರಕಾ ಸಂಘದ [illegible] ಯ ನಿಯಮಾನುಸಾರವಾಗಿ ಖಾದಿಕೊಂಡುಕೊಳ್ಳುವ ಎಲ್ಲಾ ಗ್ರಾಹಕರು ಇದೇ ಜೂಲ್ಯಾ ಒಂದರಿಂದ ಖಾದಿ ಬೆಲೆ [illegible] ಕೊಡತಕ್ಕದ್ದು. ಹೀಗೆ ನೂಲು ತಾರದ ವಿನಾ ಖಾದಿ ಸಿಗಲಾರದು. ಈ ವಿಷಯದಲ್ಲಿ ಹೆಚ್ಚಿನ ಮಾಹಿತಿ ಮಂಗಳೂರು ರಥಬೀದಿಯಲ್ಲಿರುವ ಚರಕಾ ಸಂಘದ ಸಂ[illegible]ನಿಕೃತ ಘಾದಿ ಅಂಗಡಿಯಾದ ಸ್ವದೇಶೀ ಸ್ಟೋರ್ಸ್ ವ್ಯವಸ್ಥಾಪಕರಿಂದ ತಿಳಿದುಕೊಳ್ಳಬಹುದು.

ಸಿಡುಬು ತಾ. ೨೩ಕ್ಕೆ ಅಂತ್ಯವಾದ ವಾರದಲ್ಲಿ ಐವರಿಗೆ ತಗಲಿ ನಾಲ್ವರು ಮೃತಪಟ್ಟಿದ್ದಾರೆ.

ಸ್ವಾತಂತ್ರ್ಯ ದಿನದಂದು ಬಂಧಿತರಾಗಿದ್ದ ಸ್ಥಳೀಯ ಜೀತಿ ಲೇಬರ್ ಯೂನಿಯನಿನ ಕಾರ್ಯದರ್ಶಿ ಶ್ರೀ. ಲಿಂಗಪ್ಪ ಸುವರ್ಣ ಮತ್ತು ಅಧ್ಯಕ್ಷ ಮಂಜು ಅವರು ೨ ತಿಂಗಳ ಶಿಕ್ಷೆಯನ್ನನುಭವಿಸಿ ಇವೀಗ್ಗಷ್ಟೆ ಹೊರಬಂದಿದ್ದಾರೆ.

ಕಜೆ ಅಕ್ಕಿಯಲ್ಲಿಯೇ ಸಾರವು ಹೆಚ್ಚಿರುವುದರಿಂದ ಅವರ ಉಪಯೋಗವನ್ನೆ ಸರಕಾರವು ಪ್ರೋತ್ಸಾಹಿಸುತ್ತಿದಾದರೂ, ಹಲವರ ಅಪೇಕ್ಷೆ ವೇರೆಗೆ ಹಸುಗೆಯಿಂದ ಪಡೆದ್ದಲ್ಕಿಯನ್ನು ವಿಲ್ಲಿಗೆ ಕೊಟ್ಟು ಶುಭ್ರಗೊಳಿಸಲು ಮದ್ರಾಸ್ ಸರಕಾರವು ಅನುಮತಿ ಇತ್ತಿದೆ. ಆದರೆ, ಅತಿಯಾಗಿ ಶುಭ್ರಗೊಳಿಸುವುದನ್ನು ಬಿಡಲಾರದು, ಹಳ್ಳಿ ಪ್ರದೇಶದ ಜನರೂ ಸಮರ್ಪಿಟ್ ಮೂಲಕ ತಮ್ಮ ಭತ್ತವನ್ನು ವಿಲ್ಲಿಗೆ ಕಳಿಸಿ ಅಕ್ಕಿ ಮಾಡಿಸಿಕೊಳ್ಳಬಹುದು ಎಂದು ಹಸುಗೆ ಆಫೀಸರರು ಪ್ರಕಟಿಸುತ್ತಾರೆ.

ಶ್ರೀ ಕೆ. ಬಿ. ಜಿನರಾಜ ಹೆಗ್ಡೆ ಅವರಿಗೆ, ಕೇಂದ್ರ ಸರಕಾರದ ಆಹಾರ ಇಲಾಖೆಯವರು ಪತ್ರ ಒಂದನ್ನು ಬರೆಯುತ್ತ, ದ ಕ ಜಿಲ್ಲೆಯ ಆಹಾರ ಪರಿಸ್ಥಿತಿಯು ಸುಧಾರಿಸುವಂತೆ, ಮದ್ರಾಸ್ ಸರಕಾರಕ್ಕೆ ಇನ್ನೂ ಹೆಚ್ಚಿನ ಸಹಾಯ ಮಾಡುವ ಕುರಿತುಯೋಚಿಸಲಾಗುತ್ತಿದೆ=ಎಂದು ತಿಳಿಸಿದ್ದಾರೆ.

ಜಿಲ್ಲಾ ಟ್ರೇಡ್ ಯೂನಿಯನ್ ಸಭೆಯು ತಾ. ೨೩ರಂದು ಶ್ರೀ. ಕೆ ಕೆ ಶೆಟ್ಟಿಯ ಅಧ್ಯಕ್ಷತೆಯಲ್ಲಿ ಜರಗಿತು. ಉಡುಪಿ, ಬಂಟ್ವಾಳ, ಕಾಸರಗೋಡು ಮೊದಲಾದೆಡೆಗಳಿಂದಲೂ ಪ್ರತಿನಿಧಿಗಳು ಬಂದಿದ್ದರು. ಕಾರ್ಯಕಾರಿಗಳ ಬಿಡುಗಡೆಗಾಗಿ ಸಭೆಯು ಸಂತೋಷವನ್ನು ವ್ಯಕ್ತಪಡಿಸುತ್ತ ವೆಲ್ಫೇರ್ ಯೋಜನೆಯು ಸ್ವೀಕರಿಸಲ್ಪಡಲಿ ಎಂದು ಆಶಿಸುವ ಠರಾವನ್ನು ಕೈಕೊಳ್ಳಲಾಯಿತು.

ಅರಬಿಕ್ ಭಾಷೆಯನ್ನು ತೆಗೆದುಕೊಂಡು ಹೈಸ್ಕೂಲ್ ಶಿಕ್ಷಣವನ್ನು ಮುಗಿಸಿ ಕೋಲೇಜುಗಳಲ್ಲಿ ಸೇರಲು, ಕಾಸರಗೋಡು ಮತ್ತು ಮಲಬಾರಿನ ಪ್ರದೇಶಗಳಿಂದ ಮಂಗಳೂರಿಗೆ ಬರುವ ಮುಸ್ಲಿಂ ವಿದ್ಯಾರ್ಥಿಗಳು, ಮಂಗಳೂರಿನ ಕೋಲೇಜುಗಳಲ್ಲಿ ಅರಬಿಕ್ ಭಾಷಣಗಾರರಿಲ್ಲದ್ದರಿಂದ ಬಹಳ ತೊಂದರೆಗೆ ಈಡಾಗಿರುತ್ತಾರೆಂದು ತಿಳಿದುಬಂದಿದೆ. ಆದುದರಿಂದ, ಅರಬಿಕ್ ಉಪಭಾಷೆಯನ್ನು, ಮುಸ್ಲಿಂ ವಿದ್ಯಾರ್ಥಿಗಳು ತೆಗೆದುಕೊಳ್ಳಲನುಕೂಲವಾಗುವಂತೆ, ಈ ಭಾಷೆಯನ್ನು ಕಾಲೇಜುಗಳಲ್ಲಿಡಬೇಕೆಂದು, ಮಂಗಳೂರಿನ ಕೋಲೇಜ್ ಆಡಳಿತದಾರರೊಡನೆ ವಿದ್ಯಾರ್ಥಿಬಂಧು ಒಬ್ಬನ ಪ್ರಾರ್ಥನೆ.

ಮಂಗಳೂರು ಕಾಲೇಜುಗಳಲ್ಲಿ ಸೀಟು ಸಿಕ್ಕದೆ, ಈ ವರ್ಷ ವಿದ್ಯಾರ್ಥಿಗಳು ಗೋಳಿಡುವಂತಾಗಿದೆ. ಈ ಬಗ್ಗೆ ಸ್ಥಳೀಯರಾದ ಜಿನರಾಜ ಹೆಗ್ಡೆ, ಕೆ. ಆರ್. ಕಾರಂತ, ಎ. ಬಿ. ಶೆಟ್ಟಿ, ಬಿ. ವೆಂಕಟ್ರಾಯ ಬಾಳಿಗ, ಬಿ. ನೈಕುಂಠ ಬಾಳಿಗ, ಡಿ. ಬೊ. ಅಧ್ಯಕ್ಷರಾದ ಅರೂರ್ ಲಕ್ಷ್ಮೀನಾರಾಯಣ ರಾವ್, ಸೆನೆಟ್ ಮೆಂಬರರೂ, ಮಾಜಿ ಡಿ. ಇ. ಅನರೂ ಆದ ಯು. ಕಣ್ಣಪ್ಪ, ಕೆನರ, ಗಣಪತಿ ಮತ್ತು ವಿಕಸನ್ ಹೈಸ್ಕೂಲುಗಳ ಅಧಿಕಾರಿಗಳೂ ಒಟ್ಟು ಸೇರಿ ಚಾನ್ಸಲರ್, ವೈಸ್ [illegible]ಲರ್, ಡೈರೆಕ್ಟರ್ ಆಫ್ ಪಬ್ಲಿಕ್ ಇನ್ಸ್ಟ್ರಕ್ಷನ್, ಮತ್ತು ಗವರ್ನರರಿಗೆ ಟೆಲಿಗ್ರಾಂ ಕಳುಹಿಸುತ್ತ ೩೦೦ಕ್ಕೂ ಮಿಕ್ಕಿದ ವಿದ್ಯಾರ್ಥಿಗಳಿಗೆ ಮಂಗಳೂರಿನ ಕಾಲೇಜುಗಳಲ್ಲಿ ಸೀಟು ನಿರಾಕರಿಸಿರುವ [illegible] ಪಡೆದ [illegible] ನಿರಾಕರಣಗಬೇಕಾಗಿದೆ. ಟೆಕ್ನಿಕಲ್ ವಿದ್ಯಾ[illegible]ಸೌಕರ್ಯತೆ ಇಲ್ಲದುದರಿಂದ ಈ ವಿದ್ಯಾರ್ಥಿಗಳು [illegible]ದೆಡೆಗೂ ಹೋಗಿದಾಡಿದ್ದಾರೆ. ಎರಡೂ ಕಾಲೇಜುಗಳಲ್ಲಿ [illegible]ರಷ್ಟಾದರೂ ಹೆಚ್ಚು ವಿದ್ಯಾರ್ಥಿಗಳನ್ನು ಸೇರಿಸಿಕೊಳ್ಳಲು ವ್ಯವಸ್ಥೆಯಾಗಬೇಕು. ಸೀಟು ನಿರ್ಧಾರವನ್ನು ಸಂಬಂಧಪಟ್ಟ ಕಾಲೇಜು ಪ್ರಿನ್ಸಿಪಾಲರುಗಳಿಗೆ ತಂತಿ ಮೂಲಕ ತಿಳಿಸಿ'—ಎಂದಿರುವರು.

ಬೋಳೂರಿನ ಗೇರು ಬೀಜ ಕಾರ್ಖಾನೆ ಪ್ರ. ಗಃ 6

ಬೋಳೂರಿನ ನಿವಾಸಿಗಳಾದ ಶ್ರೀ. ಬೊಡಸ್ಸ ಮತ್ತು ಬದ್ರುದ್ದೀನ್ ಸಾಹೇಬರು, ಬೋಳೂರಿನ ಗೇರು ಬೀಜದ ಕಾರ್ಖಾನೆಯಿಂದ ಹೊರಡುವ ಹೊಗೆಯಿಂದಾಗಿ ಕಾರ್ಖಾನೆಯ ಪಕ್ಕ ದುಡಿಯುವವರ ಮತ್ತು ಅಕ್ಕಪಕ್ಕದ ನಿವಾಸಿಕರ ಆರೋಗ್ಯದ ಮೇಲೆ ಆಗುತ್ತಿರುವ ದುಷ್ಪರಿಣಾಮದ ಕುರಿತಾಗಿ, ಮದ್ರಾಸ್ ಸರಕಾರಕ್ಕೆ ಬರಕೊಂಡ ಅರ್ಜಿಯ ಸರಿಣಾಮವಾಗಿ, ಪ್ರಾಂತೀಯ ಸಾರ್ವಜನಿಕ ಆರೋಗ್ಯ ಖಾತೆಯು ಗವರ್ನರರ ಅಪ್ಪಣೆ ವೇರೆಗೆ ಈ ಆಜ್ಞೆಯನ್ನು ಹೊರಡಿಸಿದೆ:—

'ಈ ಕಾರ್ಖಾನೆಯ ಮಾಲಕರು ಕಳೆದ ೧೯೪೪ನೆಯ ಎಪ್ರಿಲ್ ತಿಂಗಳಿಂದ, ಬಂಧನೆಯಂತೆ ಲೈಸನ್ಸು ಪಡಕೊಳ್ಳದೆ, ಗೇರು ಬೀಜ ಕಾರ್ಖಾನೆಯೊಂದನ್ನು ನಡೆಸುತ್ತಿದ್ದರೆಂದೂ, ಈ ಕಾರ್ಖಾನೆಯಿಂದ ಹೊರಡುತ್ತಿದ್ದ ಹೊಗೆಯು, ಸ್ಥಳೀಯ ನಿವಾಸಿಗಳ ಆರೋಗ್ಯದ ಮೇಲೆ ತೀವ್ರ ದುಷ್ಪರಿಣಾಮಕಾರಿಯಾಗುತ್ತಿದೆಂದೂ ಈ ವಿಚಾರದಲ್ಲಿ ಸ್ಥಳೀಯರು ಆಕ್ಷೇಪವೆತ್ತಿದುದು ಮಾತ್ರವಲ್ಲದೆ, ನಗರ ಸಭೆಯಲ್ಲಿಯೂ, ಇದರ ಕಮಿಷನ್ಕಾಗಿ ಕರಾರೊಂದನ್ನು ಮಂಜೂರುಮಾಡಲಾಗಿತ್ತೆಂದೂ, ಆದರೂ, ಸ್ಥಳೀಯ ಮುನಿಸಿಪಲ್ ಕಮಿಶನರರೂ ಆರೋಗ್ಯಾಧಿಕಾರಿಗಳೂ ಯಾವ ಕಾರ್ಯಕ್ರಮವನ್ನೂ ಕೈಗೊಳ್ಳಲಿಲ್ಲವೆಂಬ ವಿಚಾರವನ್ನೂ ಮನನಮಾಡಿಕೊಳ್ಳಲಾಯಿತು. ಸಾರ್ವಜನಿಕರ ಆರೋಗ್ಯಕ್ಕೆ ಬಾಧೆಕೊಡುತ್ತಿರುವ ಈ ಕಾರ್ಖಾನೆಯ ವಿಚಾರದಲ್ಲಿ ತಕ್ಕ ಕಾರ್ಯಕ್ರಮವನ್ನೀಗ ಕೈಕೊಳ್ಳಬೇಕಾಗಿದೆ.

ಸ್ಥಳೀಯ ಕಮಿಶನರರು ಕೂಡಲೆ ಈ ಕಾರ್ಖಾನೆಯ ಒಡೆಯರನ್ನು ೪೦೩ನೆಯ ನಿಬಂಧನೆಯಂತೆ ತಕ್ಷೀರಿಗೊಳಪಡಿಸುವುದಲ್ಲದೆ, ಹಾನಿಕಾರಕ ಪ್ರವೃತ್ತಿಯನ್ನು ನಿಲ್ಲಿಸುವ ವರೆಗೆ ಅವರ ಮೇಲೆ ಪಿರ್ಯಾದಿಯನ್ನು ಮುಂದುವರಿಸತಕ್ಕದ್ದು.

ಸಾರ್ವಜನಿಕ ಆರೋಗ್ಯ ಖಾತೆಯ ಎಸಿ ಡೈರೆಕ್ಟರರ ಇನ್ಸ್‌ಪೆಕ್ಷನ್ ವರದಿಯ ಪ್ರತಿಯನ್ನು ಕಮಿಶನರರಿಗೆ ಕಳುಹಿಸಲಾಗಿದೆ. ದೋಷಗಳನ್ನೆಲ್ಲ ನಿವೃತ್ತಿಪಡಿಸದೆ, ಕಾರ್ಖಾನೆಯ ಒಡೆಯರಿಗೆ ಲೈಸನ್ಸು ಕೊಡಬಾರದು.

ಸ್ಥಳೀಯ ಕಮಿಶನರ್ ಹಾಗೂ ಹೆಲ್ತ್ ಆಫೀಸರರು ತಕ್ಕ ಕಾರ್ಯಕ್ರಮಗಳನ್ನು ಕೈಕೊಳ್ಳದಿರಲು ಕಾರಣವೇನೆಂಬ ಬಗ್ಗೆ ಸಾರ್ವಜನಿಕ ಆರೋಗ್ಯ ಖಾತೆಯ ಡೈರೆಕ್ಟರರ ಮೂಲಕ ಅವರ ರಿಮಾರ್ಕಿನ ಸಹಿತ ಸರಕಾರಕ್ಕೆ ಬರಕೊಳ್ಳತಕ್ಕದ್ದು.

ಸಾರ್ವಜನಿಕ

ಸಿಮ್ಲದ ಪರಿಷತ್ತು

ಶಾ. ೨೫ರಂದು ಪೂರ್ವಾಹ್ನ ೧೧॥ ಗಂಟೆಗೆ ಸಿಮ್ಲದಲ್ಲಿ ನಾಯಕರ ಪರಿಷತ್ತು ಆರಂಭವಾಯಿತು. ಗಾಂಧಿಜಿಯವರೊಬ್ಬರನ್ನುಳಿದು, ಇತರ ಸದಸ್ಯರೆಲ್ಲರೂ ಸಭೆಯಲ್ಲಿ ಹಾಜರಿದ್ದರು. ತಾವು ಯಾರನ್ನೂ ಪ್ರತಿನಿಧೀಕರಿಸುವುದಿಲ್ಲವಾದುದರಿಂದ, 'ಪರಿಷತ್ತಿನಲ್ಲಿ ಹಾಜರಿರುವುದಿಲ್ಲ. ಕಾಂಗ್ರೆಸಿನ ಪ್ರತಿನಿಧಿಗಳಾಗಿ ಅಧ್ಯಕ್ಷ ಅಜಾದರು ಹೇಗೂ ಇದ್ದಾರೆ. ತಾವು ಸಿಮ್ಲದಲ್ಲಿ ಇದ್ದು, ಅಪೇಕ್ಷಿಸಿದವರಿಗೆಲ್ಲ—ವೈಸರಾಯರಿಗೆ ಸಹ—ಹಿತಸೂಚನೆಗಳನ್ನು ಕೊಡುತ್ತಿರುವೆವೆಂದಿದ್ದಾರೆ. ವೈಸರಾಯರು, ಗಾಂಧಿಜಿಯವರ ಈ ನಿಲುವಿನಂತಿಗೊಪ್ಪಿ, ಪರಿಷತ್ತು ಕೊನೆಗೊಳ್ಳುವ ತನಕ ಗಾಂಧಿಜಿ ಸಿಮ್ಲದಲ್ಲೆ ಇರಬೇಕೆಂದು ಅಪೇಕ್ಷಿಸಿದ್ದಾರೆ.

ವೈಸರಾಯರ ಭವನದಲ್ಲಿ ಪರಿಷತ್ತು ಸೇರುವ ಕೆಲ ಗಂಟೆಗಳ ಮೊದಲೆ, ಎಲ್ಲ ಪಕ್ಷಗಳಿಗೂ ಸೇರಿದ ಜನರ ತಂಡವು, ಗೇಟಿನ ಬಳಿ ನೆರೆಯುತ್ತಿದ್ದಿತು. ನೆರವಲು ಬಂದ ಪರಿಷತ್ಪ್ರತಿನಿಧಿಗಳು ಕೇಂದ್ರ ನ್ಯಾಯವಿಧಾಯಕ ಸಭೆಯಲ್ಲಿ ಏಕೋಸ್ಯ ಸದಸ್ಯರ ನಾಯಕರಾಗಿರುವ ಸರ್ ಹೆನ್ರಿ ರಿಚರ್ಡ್‌ಸನ್ ಅವರು. ಅವರ ಹಿಂದೆಯೇ ಪಂಜಾಬಿನ ಪ್ರಧಾನಿಗಳಾದ ಮಲಿಕ್ ಖಿಜರ್ ಹ್ಯಾಯತ್ ಖಾನ್ ಟಿವಾನ ಅವರು ಆಗಮಿಸಿದರು. ಅವರ ಬೆನ್ನಿಗೆ ಶ್ರೀ। ಭುಲಾಭಾಯಿ ದೇಸಾಯಿಗಳು. ಜನರ ತಂಡವು ಜಯಕಾರ ದೊಡನೆ ದೇಸಾಯಿ ಅವರನ್ನ ಸ್ವಾಗತಿಸಿ ವೈಸರಾಯಿಗಳ ಭವನದೊಳಕ್ಕೆ ಕಳುಹಿಸುತ್ತಿದ್ದಾಗಲೆ, ಮದ್ರಾಸಿನ ಶ್ರೀ। ಸಿ. ರಾಜಗೋಪಾಲಾಚಾರಿ ಅವರು ಯಾರ ಕಣ್ಣಿಗೂ ಬೀಳದೆ ಮೆಲ್ಲನೆ ಒಳಗೆ ನುಸುಳಿಕೊಂಡರು. ಗಡಿನಾಡಿನ ಪ್ರಧಾನ ಮಂತ್ರಿ ಡಾ। ಖಾನ್‌ಸಾಹೇಬರು ಅನಂತರ ಬಂದರು. ಈ ಪರಿಷತ್ತಿಗೆ ಕಾಂಗ್ರೆಸ್ ಪ್ರಧಾನ ಮಂತ್ರಿಗಳ ಹಿಂದೆ, ಕೇಂದ್ರ ಅಸೆಂಬ್ಲಿಯ ನೇಶನಲಿಸ್ಟ್ ಪಕ್ಷದ ನಾಯಕರಾದ ಬ್ಯಾನರ್ಜಿ ಅವರೂ ಸಿಖ್ಖರ ಮುಖಂಡ ತಾರಾಸಿಂಗರೂ ಆಗಮಿಸಿ [illegible] ತಂಡ ಒಂದು ಬಂತು. ಅಧ್ಯಕ್ಷ ಅಜಾದರನ್ನು ಮುಂದಿಟ್ಟುಕೊಂಡು, ರವಿಶಂಕರ ಶುಕ್ಲ, ಗೋವಿಂದ ವಲ್ಲಭಪಂತ್, ಬಿ. ಜಿ. ಖೇರ್, ರಾಜಾ ಗೋವಿಂದಲಾಲ್ ತಿವಲಾಲ್, ಮತ್ತು ಶ್ರೀ। ಕೃಷ್ಣಸಿಂಹ ಇವರು ಬಂದರು. ಜನರು ಉದ್ಘೋಷಣೆಗಳಿಂದ ಇವರನ್ನು ಸ್ವಾಗತಿಸಿ ಒಳಗೆ ಕಳುಹಿಸಿಕೊಟ್ಟಾಗಲೆ, ಮಿ। ಜಿನ್ನರನ್ನು ಮುಂದಿಟ್ಟುಕೊಂಡು, ನವಾಬ್ ಜಾದಾ ಲಿಯಾಖತ್ ಅಲಿ ಖಾನ್, ಹೊಸೇನ್ ಇಮಾಮ್, ಸರ್ ಮಹಮ್ಮದ್ ಸಾದುಲ್ಲ, ಗುಲಾಮ್ ಹುಸೇನ್ ಹಿದಾಯತುಲ್ಲ ಮತ್ತು ಫಾಜ ಮುದ್ದೀನರು ಬ್ಲಂದು ಸೇರಿದರು. ಕೊನೆಗೆ ಒರಿಸ್ಸದ ಪ್ರಧಾನಿಗಳಾದ ಭರ್ದಕಿಮಿಡಿ ಮಹಾರಾಜರೂ, ನಿಮ್ನ ವರ್ಗದ ಪ್ರತಿನಿಧಿಗಳಾದ ಶಿವರಾಜರೂ ಆಗಮಿಸಿದರು.

ವೈಸರಾಯರು ಪ್ರತಿನಿಧಿಗಳೆಲ್ಲರಿಗೂ ಹಸ್ತಲಾಘವವಿತ್ತು ಕುಶಲ ಪ್ರಶ್ನೆಗಳೊಡನೆ ಸ್ವಾಗತಿಸಿ ಬಯಸಿದ ಬಳಿಕ, ನೆರೆದಿದ್ದ ಪತ್ರಿಕೋದ್ಯೋಗಿಗಳ ಬಳಿಗೆಹೋಗಿ, 'ನಿಮ್ಮ ಪ್ರಚಾರವು ಮೇರೆ ತಪ್ಪಬಾರದು' ಎಂದು ಹಿತವಚನಗಳನ್ನಾಡಿದರು.

ಪರಿಷತ್ತು ನಿಷ್ಪ್ರಯೋಜಕವಾಗಬಾರದು ಎಂಬ ದೃಢಸಂಕಲ್ಪದಿಂದಲೆ ಪ್ರತಿನಿಧಿಗಳೆಲ್ಲರೂ ವೈಸರಾಯರ ಭವನವನ್ನು ಪ್ರವೇಶಿಸಿದ್ದಾರೆ.

ವೇವೆಲರು ಪರಿಷತ್ತನ್ನು ಆರಂಭಗೊಳಿಸುತ್ತ, ಚಿಕ್ಕ ಭಾಷಣ ಒಂದನ್ನಿತ್ತರು:—

"ಯೋಗ್ಯತೆ ತಂದಲೆ ಜನತಾ ಧುರೀಣರಾದ ನಿಮ್ಮೆಲ್ಲರನ್ನೂ ಸ್ವಾಗತಿಸಲು ಆನಂದವಾಗುತ್ತಿದೆ. ಭಾರತದ ಚರಿತ್ರೆಯ ಈ ಮಹಾ ಸಂಧಿಕಾಲದಲ್ಲಿ, ದೇಶವನ್ನು ಸ್ವಾತಂತ್ರ್ಯ ಹಾಗು ಪ್ರಗತಿಯ ದಾರಿಗೆ ಹಚ್ಚಲು ನನಗೆ ಸಹಾಯಕರಾಗುವುದಕ್ಕಾಗಿ ನಿಮ್ಮನ್ನು ಆಮಂತ್ರಿಸಿದುದಾಗಿರುತ್ತದೆ. ದೇಶದ ಉದ್ಧಾರವನ್ನೆ ಮುಲೋಪ್ಪೇಶವಾಗಿಟ್ಟುಕೊಂಡು ನನಗೀಗ ಸಹಾಯ ನೀಡಬೇಕು. ಘಟನಾತ್ಮಕ ತೀರ್ಮಾನನೇನನ್ನೂ ಇಲ್ಲಿ ಕೈಕೊಳ್ಳುವುದಿಲ್ಲ. ಗಹನತರವಾದ ಸಮಸ್ಯೆಗಳೇನನ್ನೂ ನಾವಿಲ್ಲಿ ತೀರ್ಮಾನಿಸುವುದಿಲ್ಲ.

ನಮ್ಮ ರಾಜಕಾರಣ, ಜ್ಞಾನ, ಪ್ರತಿಷ್ಠೆಗಳೆಲ್ಲ ಭಾರತದ ಮುಂದೆ ಮಾತ್ರವಲ್ಲ ಜಗತ್ತಿನಮುಂದೆ ಈಗ ಪರೀಕ್ಷಿಸಲ್ಪಡುತ್ತಿದೆ. ನನ್ನ ಈ ಮೊದಲಿನ ಭಾಷಣದಲ್ಲೆಹೇಳಿದಂತೆ, ಹಿಂದಿನದನ್ನು ಪರಸ್ಪರ ಕ್ಷಮಿಸಿ ಮರೆತುಬಿಡುವ ಪ್ರಸಂಗಗಳು ಹಲವಿವೆ. ಹಿಂದಿನ ದ್ವೇಷ ಅಸೂಯೆಗಳನ್ನೆಲ್ಲ [illegible] ಭಾರತದ ಇಂ ಕೋಟಿ ಪ್ರಜೆಗಳ [illegible] ದಾರವನ್ನು ಮಾತ್ರ ಇಲ್ಲಿ ಚೆಂ [illegible] ಚಕ್ರವರ್ತಿ ಸರಕಾರದಿಂದ [illegible] ಸೂಚನೆಗಳನ್ನು ಹೇಗೆ ಕಾ [illegible] ಹಚ್ಚಬಹುದು? ಎಂಬುದನ್ನೀಗ [illegible] ರಿಸಬೇಕಾದುದು. ಉನ್ನತವಾದ [illegible] ತೊಡಗದ ವಿನಾ ನಮ್ಮ ಯತ್ನ ಸಾಗದು.

ಸದ್ಯಕ್ಕೆ ನನ್ನ ನಾಯಕತ್ವವನ್ನು ನೀವೆಲ್ಲ ಒಪ್ಪಲೇಬೇಕು. ಹೊಸ ರಾಜ್ಯಘಟನೆಯೊಂದು ನಿರ್ಮಾಣವಾಗುವ ತನಕದ ಭಾರತದ ಶುಭ್ರ ಕಾಂತತೆಯ ಹೊಣೆ ನನ್ನ ಮೇಲಿದೆ. ನನ್ನನ್ನು ಭಾರತದ ಒಬ್ಬ ವಿಶ್ವಾಸಿಕ ಮಿತ್ರನೆಂದು ನಂಬಿರಿ. ದೇಶದ ಹಿತಕ್ಕೆ ಯೋಗ್ಯವಾಗುವ ರೀತಿಯಲ್ಲಿ ಈ ಪರಿಷತ್ತನ್ನು ನಡೆಸಿಕೊಂಡು ಹೋಗಲು ನಾನು ಯತ್ನಿಸುವೆನು. ವೈಸರಾಯರ ಭವನದಲ್ಲಿ ಒಂದೆಡೆ ಲಿವಿಸಲ್ಪಟ್ಟಿರುವ 'ಮನಸ್ಸಿನಲ್ಲಿ ಪ್ರಮಾಣಿಕತೆ; ಮಾತಿನಲ್ಲಿ ಜಾಣತನ, ಕೃತ್ಯದಲ್ಲಿ ಧೈರ್ಯ, ಜೀವನದಲ್ಲಿ ಸೇವೆ; ಹೀಗೆ ಭಾರತವು ಬೆಳಗಲಿ' ಎಂಬ ಸಂದೇಶವೇ ನಮಗೆ ಮಾರ್ಗದರ್ಶಕವಾಗಿರಲಿ."

ಪ್ರಿಸ್ಕೊ ಪರಿಷತ್ತು ಕೊನೆಗೊಂಡಿತು

ಎರಡು ತಿಂಗಳ ದೀರ್ಘ ಯತ್ನದ ಬಳಿಕ ಶಾ. ೬ರಂದು ಪ್ರಾನ್ಸಿಸ್ಕೊ ಪರಿಷತ್ತು ಕೊನೆಗೊಂಡಿದೆ. ಹೊಸ ಶಾಂತಿಪಾಲನಾ ಸಂಸ್ಥೆಗಳ ಸ್ಥಾಪನೆಯ ಬಗ್ಗೆ ನಿರ್ಣಯಗಳಾಗಿವೆ. ಆಫ್ರಿಕ ಪ್ರದೇಶಗಳ ಆಡಳಿತೆಯ ಟ್ರಸ್ಟಿ ಸಮಿತಿಯೊಂದೂ ಸ್ಥಾಪಿಸಲ್ಪಟ್ಟಿದೆ. ಶಾಂತಸಾಗರದ ಮಧ್ಯದಲ್ಲಿ ಹರಡಿದ್ದ ಸಾವಿರಾರು ಚಿಕ್ಕದೊಡ್ಡ ದ್ವೀಪಗಳ ಆಡಳಿತವು ಈಗ್ಟ್ಸ್ಟಿ ಸಭೆಗೊಪ್ಪಿಸಲ್ಪಡುವುದು. ಈ ಪ್ರದೇಶಗಳು ಈಗ ಯಾವ ಮಿತ್ರ ರಾಷ್ಟ್ರದ ವಶವಿರುವುದೊ, ಆ ರಾಷ್ಟ್ರವೇ ಅಲ್ಲಿನ ಪ್ರಧಾನ ಒಡೆತನವನ್ನು ವಹಿಸುವುದು. ಟ್ರಸ್ಟಿಗಳು ಘೋರಣೆಯನ್ನು ಮಾತ್ರ ನಿಯಂತ್ರಿಸುವವರು.

ಪ್ರಪಂಚವನ್ನು ಯುದ್ಧದಿಂದ

ರಕ್ಷಿಸುವುದಕ್ಕಾಗಿ ಎನ್ನುತ್ತ ೧೦ ಸಾವಿರ ಶಬ್ದಗಳಂದೊಡಗೂಡಿದ ಸಂಯುಕ್ತ ಜನಾಂಗದ ಶಾಸನವು ಪ್ರಕಟವಾಗಿದೆ. "ನಮ್ಮ ಜೀವಮಾನ ಕಾಲದಲ್ಲೇ ಎರಡು ಬಾರಿ ಸಂಭವಿಸಿ, ಜನತೆಯನ್ನು ಘೋರ ಸಂಕಟಗಳಿಗೀಡು ಮಾಡಿದ ಮಹಾಯುದ್ಧವು ಮುಂದಾದರೂ ಆಗದಂತೆಸಗಿ, ಮುಂದಿನ ಪೀಳಿಗೆಯನ್ನು ರಕ್ಷಿಸುವುದಕ್ಕಾಗಿ, ಮತ್ತು ಮಾನವನ ಸಮಾನ ಮೂಲಭೂತ ಹಕ್ಕುಗಳ ರಕ್ಷಣೆಗಾಗಿ; ಲೋಕದಲ್ಲಿ ಚಿರಶಾಂತಿ ನ್ಯಾಯಗಳನ್ನು ಶಾಶ್ವತಗೊಳಿಸುವುದಕ್ಕಾಗಿ; ಸಮಾಜ ಹಾಗೂ ಜೀವನದ ಪ್ರಗತಿಗಾಗಿ; ನೆರೆ ನಾಡುಗಳೊಳಗೆ ಸೌಹಾರ್ದದ ಸವಿಯನ್ನು ಹೆಚ್ಚಿಸಿ ಸ್ವಾತಂತ್ರ್ಯವನ್ನು ಎಲ್ಲರೂ ಅನುಭೋಗಿಸುವಂತೆ ಮಾಡುವುದಕ್ಕಾಗಿ; ಫ್ರಾನ್ಸಿಸ್ಕೊದಲ್ಲಿ ಒಟ್ಟು ಸೇರಿದ ಸಂಯುಕ್ತ ಜನಾಂಗಗಳಾದ ನಾವು ನಮ್ಮ ಶಕ್ತಿಯನ್ನೆಲ್ಲ ಒಂದುಗೂಡಿಸುತ್ತೇವೆ" ಎಂಬ ಪೀಠಿಕೆಯಿಂದ ಉದ್ಘೋಷಣೆಯು ಆರಂಭವಾಗುತ್ತದೆ. ಈ ಮೊದಲು ಡುಂಬಾರ್ಟನ್ ಓಕ್ಸ್ ಸಂಭಾಷಣೆಯಲ್ಲಿ ನಿರ್ಧರಿತವಾದಂತೆ, ಎಲ್ಲ ಸ್ವತಂತ್ರ ಜನಾಂಗಗಳ ಸದಸ್ಯರನ್ನೂ ಒಳಗೊಂಡ ಅಂತರರಾಷ್ಟ್ರೀಯ ಎಸೆಂಬ್ಲಿ; ೧೧ ರಾಷ್ಟ್ರಗಳ ಸದಸ್ಯರುಗಳನ್ನೊಳಗೊಂಡ ಭದ್ರತಾ ಕೌನ್ಸಿಲ್; ಅಂತರರಾಷ್ಟ್ರೀಯ ನ್ಯಾಯಸಭೆ,—ಇತ್ಯಾದಿಗಳನ್ನೊಳಗೊಂಡ ಸಂಸ್ಥೆಯನ್ನು ಸ್ಥಾಪಿಸಲು ನಿರ್ಧರಿಸಿತು. ಭದ್ರತಾ ಕೌನ್ಸಿಲ್‌ನಲ್ಲಿ ರಷ್ಯ, ಬ್ರಿಟನ್, ಅಮೆರಿಕ, ಚೈನ, ಮತ್ತು ಫ್ರಾನ್ಸ್—ಈ ಐದು ಮಹಾರಾಷ್ಟ್ರಗಳ ಸದಸ್ಯತ್ವವು ಶಾಶ್ವತವಾದುದು. ಉಳಿದ ೬ ಸ್ಥಾನಗಳಿಗೆ ಇತರ ಚಿಕ್ಕ ರಾಷ್ಟ್ರಗಳಿಂದ ಸರದಿಯ ಮೇರೆಗೆ ಪ್ರತಿನಿಧಿಗಳನ್ನಾರಿಸಲಾಗುವುದು.

ಆಫ್ರಿಕದ ಪ್ರಧಾನಿ ಫೀಲ್ಡ್ ಮಾರ್ಶಲ್ ಸ್ಮಟ್ಸರು ಫ್ರಾನ್ಸಿಸ್ಕೊ ಪರಿಷತ್ತಿನಲ್ಲಿ ಸಿದ್ಧವಾದ ಹೊಸ ಶಾಂತಿ ವ್ಯವಸ್ಥಾ ಉದ್ಘೋಷಣೆಯನ್ನು 'ಹಿಂದೆಂದೂ ಪ್ರಕಟಿಸಲ್ಪಡದ ಮಾನವತೆಯ ಉದ್ಘೋಷಣೆ' ಎನ್ನುತ್ತಾರೆ. ಪ್ರಪಂಚದ ೫೦ ಚಿಕ್ಕದೊಡ್ಡ ರಾಷ್ಟ್ರಗಳು ಒಟ್ಟು ಕಲೆತು, ದೀರ್ಘಕಾಲ ಚರ್ಚಿಸಿ, ವಿವೇಚಿಸಿ, ತೀರ್ಮಾನಿಸಿದ ಘೋಷಣೆ ಇದು. ಬಹು ಸಂಖ್ಯಾತ ಮಾನವರೆಲ್ಲರ ಬೇಡಿಕೆಗಳನ್ನೂ ಇದು ಒಳಗೊಂಡಿದೆ-ಪ್ರಗತಿಯ ದಾರಿಗೆ ಅಡ್ಡ ಬಂದು ಪಾಪಿಗಳಾದ ಜನಾಂಗಗಳನ್ನೂ ಇದು ಒಳಗೊಂಡಿದೆ. ೧೯೧೪ರ ಯುದ್ಧಾನಂತರ ಸೇರಿದ ಜನಾಂಗ ಸಂಘದ ಸಭೆಯಲ್ಲಿ ಭಾಗವಹಿಸದ ಅಮೆರಿಕ-ರಷ್ಯಗಳೂ ಈ ಸಭೆಯಲ್ಲಿ ಭಾಗವಹಿಸಿವೆ. ಈ ದ್ವಿತೀಯ ಮಹಾ ಯುದ್ಧದಲ್ಲಿ ಮಿತ್ರ ರಾಷ್ಟ್ರಗಳೊಳಗಾದ ಮಿತ್ರತ್ವದ ಫಲವೆ ಈ ಉದ್ಘೋಷಣೆ.

ಅಮೆರಿಕದಲ್ಲಿ ಬ್ರಿಟಿಷ್ ರಾಯಭಾರಿಗಳಾಗಿರುವ ಲಾರ್ಡ್ ಹೆಲಿಫೇಕ್ಸರು ತಮ್ಮೊಂದು ಹೇಳಿಕೆಯಲ್ಲಿ 'ಈ ಉದ್ಘೋಷಣೆಯು ಪ್ರಪಂಚದ ಚರಿತ್ರೆಯಲ್ಲಿ ಬಲು ದೊಡ್ಡ ಮುಂದಡಿ' ಎಂದರು. 'ಎಲ್ಲ ದೊಡ್ಡ ಜನಾಂಗಗಳ ಬೆಂಬಲವೂ ಇದಕ್ಕಿದೆ.'

ಪಂಡಿತ ಜವಹರಲಾಲ ನೆಹರು ಅವರು ಘೋಷಣೆಯನ್ನು ಟೀಕಿಸುತ್ತ 'ಮೂಲ ಭೂತ ಪ್ರಶ್ನೆಗಳನ್ನೆಸ್ಟೊ ಬಿಟ್ಟುಬಿಡಲಾಗಿದೆ' ಎನ್ನುತ್ತಾರೆ. 'ಪ್ರಪಂಚದಲ್ಲಿ ಚಿರಶಾಂತಿ ಸ್ಥಾಪಿಸಲ್ಪಡಬೇಕಾದರೆ ಯಾವ ಬಲು ದೊಡ್ಡ ಪಲ್ಲಟವಾಗಬೇಕಾಗಿತ್ತೊ ಅದಾಗಲಿಲ್ಲ. ಹಾಗಾಗಗೊಡಲು ದೊಡ್ಡ ರಾಷ್ಟ್ರಗಳ ಶಕ್ತಿ ಸ್ಪರ್ಧೆಯು ಬಿಡಲಿಲ್ಲವೆಂದು ತೋರುತ್ತಿದೆ. ಈಗಿನ ಪರಿಸ್ಥಿತಿಯು ಪ್ರಬಲ ರಾಷ್ಟ್ರಗಳನ್ನು ಸಂತೈಸುವಂತೆ ಮಾಡಿದೆ. ನಿಜ. ಆದರೆ ಈ ಸಂದರ್ಭವನ್ನು ಸಾಧಿಸಿಕೊಂಡು ಅವುಗಳು ಅಬಲ ರಾಷ್ಟ್ರಗಳನ್ನು ಅಲಕ್ಷಿಸಬಾರದು. ದೊಡ್ಡ ರಾಷ್ಟ್ರಗಳ ಶಕ್ತಿ ಸ್ಪರ್ಧೆಯಲ್ಲಿ ಚಿಕ್ಕ ರಾಷ್ಟ್ರಗಳು ಒಂದಲ್ಲ ಒಂದು ದೊಡ್ಡ ರಾಷ್ಟ್ರದ ಬಾಲ ಹಿಡಿದುಕೊಳ್ಳುವಂತಾಗಿದೆ. ಆಶ್ರಿತ ಹಾಗೂ ವಸಾಹತುಗಳನ್ನು ನಿರ್ಣಾಮಗೊಳಿಸುವ ಶರಾವೊಂದು ಸಾನ್‌ಫ್ರಾನ್ಸಿಸ್ಕೊದಲ್ಲಿ ಬಂದಾಗ, ದೊಡ್ಡ ರಾಷ್ಟ್ರಗಳು, ಆ ಶರಾವಿನ 'ಸ್ವಾತಂತ್ರ್ಯ' ಎಂಬ ಪದದ ಮೇಲೆ ಹಾಕಿದ ನಿಷೇಧವು ಸಶಕ್ತರಾಷ್ಟ್ರಗಳ ಮನೋಭಾವವನ್ನು ವ್ಯಕ್ತಗೊಳಿಸುತ್ತಿದೆ.' ಎಂದರು

ನೋಟೀಸು

ಕಾಸರಗೋಡು ಡಿ। ಮುನ್ಸಿ। ಕೋರ್ಟಿನಲ್ಲಿ

S. C. No 51/45.

ಕೆ. ವೆಂಕಟೇಶ ರಂಗಪ್ಪ ಶ್ಯಾನುಭೋಗ, ಕಾಸರಗೋಡು ಕಸಬೆಯಲ್ಲಿ ವ್ಯಾಪಾರ ಮಾಡುವವ —ವಾದಿ.

ಶೇಷಯ್ಯ—ಆಂಗಡಿ ಮಾಲಿಂಗನ ಮಗ, ಆಡೂರು ಗ್ರಾಮದಲ್ಲಿ ವ್ಯಾಪಾರ ಮಾಡುವವ —ಪ್ರತಿವಾದಿ.

ಪ್ರತಿವಾದಿಯಿಂದ ವಾದಿಗೆ ಒಹ ಅಂಗಡಿ ಲೆಕ್ಕಾಚಾರದ ಬಾಬ್ತು ಒಹ ರೂಪ್ಯಾ 70 8-1ನ್ನು ಒರವಾಡಿಕೊಳ್ಳುವರೆ ದಾಕ್ಲು ಮಾಡಿದ ಮೇಲ್ಕಂಡ ವ್ಯಾಜ್ಯವು ತಾರೀಕು 7-7 1945ಕ್ಕೆ ಪ್ರತಿವಾದಿಯ ನೋಟೀಸಿನ ಬಗ್ಗೆ ಇಟ್ಟದೆಂತ ಈ ಮೂಲಕ ಆತನಿಗೆ ತಿಳಿಸೋಣಾಗಿಯದೆ.

ಕಾಸರಗೋಡು 25-6-'45) K. Devadas Shenoy, Vakil for Plaintiff.

NOTICE

In the Court of the District Judge of South Kanara.

O. P No. 97/45

In the matter of the debts and securities of Manjunatha Achary deceased and intestate.

Seshamma and another —Petitioners.

Notice to all Concerned:—

Is hereby given that the above petition has been filed in this Court by Seshamma and Rudraya Achary, the widow and son respectively of the said Manjunatha Achary and residing in Kankanady Village of Mangalore Taluk for the grant to the said Rudraya Achary of a Succesion Certificate with respect to cetain debts and securities of the said Manjunatha Achary son of Parameshwara Achary, late of Kankanady Village of Mangalore Taluk who died on 13—4—1945, and that the petition will come of for hearing on 4—8—1945 at 11 A M in the said Court, when you may appear and oppose the same; otherwise it will be heard and disposed of in your absence.

Mangalore) M. Vasudeva Rao,
28—6—45) Vakil for Petitioners.

ಸನ್‌ಬೀಮ

ಪಾ ಯ್ನಾ ಪ್ಪೆ ಲ್ಸ

ಕೆಮ್ಮು ನಿವಾರಿಣಿ ಮಾತ್ರೆಗಳು.

80 ಮಾತ್ರೆಯ ಬಾಟ್ಲಿ 1ಕ್ಕೆ ರೂ. 2/-; ವಿ.ಪಿ.ಪ್ರತ್ಯೇಕ

'Sterling Agency House.
Post Box No. 107, MANGALORE

— ವಿಷ ಚಿಕಿತ್ಸೆ —

ಸರ್ಪ, ಕನ್ನಡಿ ಹಾವು, ಇನ್ನಿತರ ವಿಷವುಳ್ಳ ಹಾವುಗಳ ಕಡಿತಕ್ಕೆ ರಾಮಬಾಣ. ಅತಿ ಕಡಿಮೆ ಖರ್ಚಿನಿಂದ ಗುಣಹೊಂದುವ ಅತ್ಯುತ್ತಮ ಔಷಧ. ಪಾರಂಪರ್ಯವಾಗಿ ವಿಷ ಚಿಕಿತ್ಸೆಯಲ್ಲಿ ಪ್ರಸಿದ್ಧಪಟ್ಟವರು.

ವಿಳಾಸ:—

ದೇಲಂತಬೆಟ್ಟು ಜನಾರ್ಧನಯ್ಯ.
ಕನ್ಯಾನಗ್ರಾಮ—ವಿಟ್ಲ—ದ. ಕ.

WANED

"WANTED: Canarese knowing salesmen by large European Firm. Age between 21 and 31. Cash Security of Rs. 250/- very essential- Rs. 500/- preferred Salary Rs 50 to start with, with War Allowance Good prospects for right man

Please apply with proof of age to—Box No. BB,

C/o "Rashtra Bandhu"
Mangalore

ಸೆಲ್ ವೆಲ್ಸ್

ಟೂ ತ್ ಪೌ ಡ ರ್

ಔಷಧಿಯಿಂದೊಡಗೂಡಿದ ಈ ಕೆಲ್ಲು ಪುಡಿಯು ಹಲ್ಲುಗಳನ್ನು ಶುಚಿಯಾಗಿಯೂ, ಶುಭ್ರವಾಗಿಯೂ ಮಾಡಿ ದೃಢನಾಗಿರುವಂತೆ ಮಾಡುತ್ತದೆ.

ರೋಹಿನ್ ಸಾಲ್ವ್

ಕೊಯ್ದ ಗಾಯ, ಸುಟ್ಟಗಾಯ, ಸಂದುವಾತ ಮುಂತಾದವುಗಳಿಗೆ ಸುಪ್ರಸಿದ್ಧ ಔಷಧ.

ಸೆಲ್‌ವೆಲ್ಸ್, ಮೈಸೂರು.

K.M.[illegible]

Inspector of Mi.Sle.Ancent Bonds, Madras.

The Secretary to Government,
Education and Public Health Department, Madras.

R.O.C.No.13796/45 B.3. dated 7--9--45.

8 SEP 1945

Sub:Licence - Mangalore Municipality - Cashewnut factory of Messrs. Mizar Krishna Ammappa Pai & Co - Nuisance caused by the working of - inaction on the part of the Commissioner and Health Officer.

Ref: R.O.No.1622 P.H., dated 19--6--45. [illegible] page 3 ante and page 49, 61, infra

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I forward herewith the explanations of two Commissioners concerned viz K.Ramaswami Mudaliar and B.Suryanarayana Rao and the Deputy Inspector's report L.Dis.2388/45 dated 7-8-45 together with its enclosures for orders of Government. The final opinion as to the guilt of the Commissioners if any, will have to be given only after hearing the Public Health officers on the explanations sent by the two Commissioners.

10138
MSV7/9

for Inspector 7-9-45

LOCAL ADMINISTRATION DEPARTMENT.

From
Sri V.N.Subbarayan, B.A
Deputy Inspector of municipal councils & Local Boards,
Western range, Coimbatore.

To
The Inspector of Municipal councils & Local Boards,
M a d r a s.

15/AUG/1945

Roc No. B3 25073

Dis No. 2388/45 dated 7-8-1945.

Sir,

Sub: Mangalore municipality--cashewnut factory of Messrs. Mizar Krisana Annappa & Co--inaction on the part of commissioner.

Regd Parcel

Ref: Your Roc 16795/45-B3 dated 12-7-1945.

I made an investigation into the above matter on 20-7-45 and 21-7-45 and called for the explanation of the two Commissioners concerned, viz. Messrs. K.Ramaswami Mudaliar and B.Suryanarayana Rao. I enclose herewith a copy of my proceedings and the explanations received from the two Commissioners. (Enclosures 1 & 2).

Ref. 29 ch. Sch. infra.

The question of abatement of the nuisance caused by cashew roasting factories appears to have been under the consideration of the Government from 1932--e.g. letter No. 3592-C4-34 dated 11-3-35 from the President, District Board, South Kanara to the Government. (Copy enclosed--enclosure 3) The result of this consideration was the issue of Bulletin No. 41 of the department of Industries, Madras, publishing the details of a cottage cashew roaster--please see G.O.No. 749 P.H dated 24-2-1938 (Copy enclosed--enclosure 4). It was however found within a very short time that this invention of the Industries Department was not of any practical use except in a very minor industry where only a bag or two of nuts is roasted every day--please see letter from the District Health Officer, South Kanara No. 474/38 dated 29-7-39 addressed to the Director of Public Health. (Copy enclosed--enclosure 5) It will also appear from this letter that the instructions of the Director of Public Health were sought as to what should be done in the matter. There is no indication of any general instructions having been issued.

(1)

4-4-43 infra

3. The factory in this case came within municipal limits on the extension of the jurisdiction of the municipality with effect from 1-4-43. I understand that the factory has been in existance from 1930, that it first used open pans on ovens for roasting cashew nuts, that the present system (which is an improvement on the old system) was introduced in 1938 and that it had continued in that form from 1938 to 1st April 1.43 under the control of the District Board. After it came within the jurisdiction of the municipality, a license for the year 1943-44 was issued on 14-6-43 subject to the following conditions:

1. All the chimneys wherefrom smoke is made to diffuse at a height should be increased in height so as to be atleast 25 feet from the top of the roof.
2. All fire places wherefrom the heat is generated should be fed only with firewood.
3. Under no circumstances cashew shells should be used for this purpose.

If these conditions had been enforced, the nuisance would have been mitigated to a very great extent. The owner of the factory applied for time upto November 1943 to comply with the conditions. The Municipal Commissioner (Sri K.Ramaswami Mudaliar) who was also the Health Officer in charge (as the post of Health Officer was vacant for a short time) refused the time applied for in his D.Dis 3043/43 dated 23-7-43. He also decided to revoke the license and to take action against the Proprietor for running the factory without a license. This decision is found recorded in the file.

Before he could give effect to this decision, the Director of Public Health who visited the town and inspected the factory informed the Commissioner that he would send his suggestions as to what should be done in the case and instructed the Commissioner not to take any action in the meanwhile. This is found recorded in the file and is also borne out by the subsequent correspondence with the Director of Public Health and the various reminders sent to him. The Commissioner states that at the time when the Director of Public Health inspected the factory, the management also represented that the factory was engaged in executing orders which were going to help the war effort. In addition to the oral instructions given by the Director of Public Health, and formal replies to reminders, the following written instruction was also received by the Commissioner in reply to his letter:

"Letter No. 27343/1 Hgg/43 dated 2-11-43:- The subject in question will be placed before the Public Health Board meeting which is to be held on 8th November and their decision will be communicated to you in due course".

Nothing further was done during 1943-44 except reminding the Director of Public Health.

As regards the year 1944-45, it is observed that no license was applied for till the middle of August 1944. Possibly, the factory did not work till then. On 19-8-44, the Municipal Health Officer issued a notice to the factory to show cause why action should not be taken for running the factory without license. The proprietors then paid the fee and applied for a license. The Municipal Health Officer gave a license for the electric motors and stated that license for roasting cashew nuts would be granted after receipt of instructions from the Director of Public Health who was considering the conditions to be imposed. During the entire period of this correspondence and the grant of license, the Commissioner was on leave and the Health Officer was in charge of the post. After the Commissioner returned from leave some complaints were received about the nuisance caused by the factory and the Commissioner found that as no final orders were passed by the Health Officer within the time prescribed in sub section 11 of section 321 of the Madras District Municipalities Act, and as the Director of Public Health had not issued the instructions promised by him no action could be taken against the factory. He reported the matter to the Director of Public Health and asked for early instructions--please see his letter dated 4-10-44 (copy enclosed--enclosure 6). The reply from the Director of Public Health was as follows:

"Design of a cheap roaster is being tried experimentally by the Industrial Engineer. Until this is approved and recommended for adoption, the procedure previously employed may be continued".

The Director of Public Health was reminded from time to time but no final instructions were received.

As regards the year 1945-46, on a petition addressed to the council, a resolution dated 10-4-45 was passed to the effect that license should be granted only on certain conditions which were practically the same as those imposed in the license for 1943-44 but which were not enforced because of the instructions of the Director of Public Health. On this, the Municipal Health Officer addressed the Director of Public Health for instructions and held that he could not give effect to the resolution of the council pending the receipt of the instructions of the Director of Public Health. A special meeting of the council was held on 23-4-45 to consider the matter. At this meeting, a resolution to the effect that the previous resolution should be enforced after giving 2 weeks' time was moved by the Vice-Chairman. Obviously, his intention was that this should be done without

awaiting the instructions of the Director of Public Health. The resolution was put to vote and lost. The decision of the council was obviously to await the instructions of the Director of Public Health. On this, the Commissioner again wrote to the Director of Public Health impressing on him the need for the issue of urgent instructions. Another meeting was held on 7-6-45 at which a resolution moved by the Vice-Chairman to the effect that all burning operations in the factory should be stopped forthwith and this resolution was passed by the council. On this, the Municipal Health Officer raised the question whether the resolution was within the powers of the council. This question was pursued, but at the same time, a telegram was sent to the Director of Public Health requesting him to expedite his instructions and it was followed by a letter. The Director of Public Health then informed the Commissioner that the place would be inspected by an Assistant Director of Public Health and instructions issued. The Assistant Director of Public Health camped in Mangalore from 20-6-45 to 23-6-45 and inspected this and other factories. His instructions were received on 4-6-45 and were communicated to the factory immediately. The factory ceased to work from 2-6-45 under the orders of the Sub Divisional Magistrate and will resume work after the instructions of the Assistant Director of Public Health are carried out.

The above is a brief history of the action taken towards licensing the factory after it came within the jurisdiction of the municipality. I now offer the following remarks on the explanations offered by the Commissioners concerned. I understand that the Director of Public Health has separately called for the explanation of the Municipal Health Officer for submission to Government.

4. Sri K.Ramaswami Mudaliar was the Commissioner from 1-4-43 to 16-8-43 and from 13-9-43 to 28-12-44. Sri B.Suryanarayana Rao was the Commissioner from 6-1-45 to 2-6-45 when the factory stopped working.

Both the Commissioners point out that the powers of the Commissioner in this respect had been delegated by the Government to the Health Officer, under section 16 of the Public Health Act subject to the general control of the executive authority--please see G.O. 327 P.H. dated 24-1-41 (copy enclosed--enclosure 7). The scope of the term 'general control' has been explained to some extent in Government Memo No. 20464-H1-2 P.H dated 10-7-41 (copy enclosed--enclosure 8) From this, it would appear that Commissioner would be justified in limiting the powers of the Health Officers only in certain classes of cases in which the Commissioner feels that he himself should pass orders. In the absence of any such classes of cases, Commissioners can be expected to take action only when the matter comes before them either through a complaint made directly to them or through the Health Officer referring the case to them. Even then, as far as the technical aspect of the matter is concerned, Commissioners have to normally accept the opinion of Health Officers--Inspector of Municipal Councils and Local Boards' confidential circular No. 28/44 dated 1-12-44. In the circumstances, I consider that it is not fair to hold commissioners responsible for not taking action to impose and enforce suitable conditions for Dangerous and Offensive trades except in the cases in which Commissioners have imposed restrictions on the powers of Health Officers. It may be mentioned that in addition to the powers given by the District Municipalities Act, Health Officers have also been given special powers to stop nuisances by the Public Health Act.

The above aspect is not however of very much importance in this case. As far as this case is concerned, it is observed that the Municipal commissioner while holding charge also of the post of Health Officer refused time to the factory to comply with the conditions laid down in the license for 1943-44 (L.Dis 3043/43 dat 23-7-43) and decided to revoke the license and to take drastic action. It is the inspection made by the Director of Public He at this stage and the instructions issued by him that prevented

Commissioner from taking further action in the matter. Several reminders were sent but no final instructions were received. On the other hand, a positive instruction was issued by the Director of Public Health to the effect that the previous procedure might be allowed to continue pending the issue of final instructions. Sri K.Ramaswami Mudaliar did not appreciate the action taken by the Municipal Health Officer in respect of the license for 1944-45 and he made a report to the Director of Public Health and asked for instructions in his letter dated 4-10-44 (copy enclosed--enclosure 6) He contends that he was bound to accept the opinion of the Director of Public Health that the previous procedure might be allowed to continue under para 22 on page 45 of the Public Health Code. The instructions of the Director of Public Health implied that the nuisance was not so great as to call for immediate action. The nuisance had also been in existance in a worse form for about 6 years and in the present form for about 6 or 7 years. These two facts may be quoted against the municipality, if the Commissioner stopped the working of the factory and the management of the factory instituted a suit for damages. The Commissioner cannot therefore be blamed for not ignoring the advice of the Director of Public Health, the highest public health authority in the province. As soon as the notes of the Assistant Director of Public Health were received on 4-6-45 action has been taken.

In view of the above, I consider that the explanation of the Commissioners may be accepted as reasonable and the matter dropped.

Deputy Inspector. 10/8

HV 5/8.

8/8/45

Enclosures

Enclosure - 1 - Sy. Inspector's proceedings Roc. 2388-45 of 23-7-45

" 2 - Explanations of Messrs K. Ramasami Mudaliar and B. Suryanarayana Rao.

" 3 - Letter 3592-C4-34 of 11.3.35 of PDB in charge S. Kanara Dt. Bd.

" 4 - G.O. No. Ms. 749 P.H of 24.2.38

" 5 - Rf. C. 474-38 of 29.7.38 of D.H.O. S Kanara

" 6 - Roc. C4. 9478-44 of 4-10-44 of Commr Mangalore Mly

" 7 - G.O. No. 327 Edn. P.H of 24.1.1941.

" 8 - Govt. Memo. 20464-E1-2 P.H of 10.7.41

Inspector's office file - 36 pages.

Petition of Sri C.L. Lobo - Vice chairman - 16 pages.

Enclosure (1)

Copy of this office proceedings Roc 2380/45 dated 23-7-45.

Sub: Licence--Mangalore municipality--cashewnut factory of Messrs. Mizar Krishna Annappa & Co--inaction on the part of the Commissioners--explanation called for.

The area in which the cashewnut factory of messrs. Mizar Krishna Annappa & Co. is located was included within the limits of the Mangalore municipality with effect from 1-4-43. It is observed that the smoke and fume emanating from the factory has been a source of unbearable nuisance to the residents of the locality and that the nuisance had been allowed to continue from the beginning of the year 1943-44 to the end of May 1945. It is also observed that the conditions imposed in the license issued to the factory for the year 1943-44 were not enforced and that roasting of cashewnuts was allowed to be carried on in the factory without any license during the whole of the year 1944-45 and from 1-4-45 to 1-6-45 during 1945-46. It is further observed that the factory was allowed to run without a license even for the motors from 1-4-44 to 13-9-44.

Sri K.Ramaswami Mudaliar / Sri B.Suryanarayana Rao is requested to offer his explanation for his failure to take action in the above matter during the period during which he was the Commissioner of the Mangalore municipality viz. from 1-4-43 to 16-8-43 and 13-9-43 to 28-12-44 / from 6-1-45 to 1-6-45.

The reply should be sent within a week from the date of receipt of this proceedings.

Sd. V.N.Subbarayan,
Deputy Inspector.

/True copy/

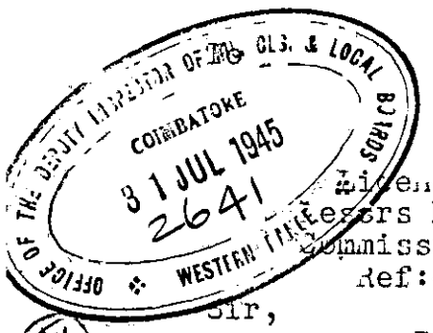
Enclosure (2)

Cotacamund,
30-7-45.

From

K.R amaswami,
.unicipal Commi- ioner, Cotacamund

The Deputy Inspector of Municipal Councils,
.estern Range, Coimbatore.



(X) 1-2

Sir,

Licence - Mangalore Municipality - Cashewnut Factory of Messrs Krishna Annappa & Co - Inaction on the part of the Commissioners - Explanation - submitted.
Ref:- Your M.C. 2038-45 dated 23-7-45.

In G.O.No. 327 P.H. dated 2-1-41 the functions of the executive authority under section 249 etc. of the Madras District Municipalities Act are delegated to Health Officers subject only to the general control of the commissioners.-- During 1943-44 and 1944-45 the post of Health Officer was filled up by senior officers drawing Rs 600 per mensem and so I did not put any limitation on their exercising these powers. In these matters the commissioner has to rely on the Health Officer to take suitable action and to give him appropriate advice as regards technical aspects which are to be ordinarily accepted on the analogy of the instruction issued in respect of Electrical Engineers.

2. The licence for roasting cashewnuts for 1943-44 was granted by Dr. Balakrishna Chetti, Municipal Health Officer, subject to certain conditions. I was on the point of revoking the licence for the factory under reference in 1943-44 itself as the conditions imposed were not fulfilled. The --- licensee applied for time to fulfil the conditions, but I --- declined to grant it. At this juncture, the Director of --- Public Health (Dr. Rao Bahadur Mudiseshan) paid a visit to Mangalore in connection with a complaint regarding this factory. I took him to the factory premises for inspection. He spent a fairly long time in the factory, making detailed inspection of everything there, and also had a discussion with the management who represented inter alia that the factory was engaged in executing orders which were going to help the war effort. He told me at the end that I need not take any immediate action and that he would advise me after reaching Madras as to what mechanical contrivance should be introduced for eradicating the smoke nuisance. I have recorded this on the connected file. In the light of the specific advice of the Director of Public Health, I am to hold my hand. On 28-7-43, as Health Officer in Charge, I simultaneously issued an order to the health --- staff to examine what arrangements were made by Messrs Pierce Leslie & Co., for minimising the nuisance arising of roast fumes and to report how they stood comparison with the conditions in this factory. This order was followed by about 8 questions from me to the Municipal Health Officer (Dr. .S. aliga) to report about the factual conditions in the factory regarding roasting the cashewnuts and installation of electric motors. But I received only vague replies and my suggestion was not pursued by the health staff as the matter was under the consideration of the Director of Public Health. (It is understood that the Assistant Director of Public Health has based his advice exactly on the data called for by me, in his notes of 1944). After some time the Director of Public Health intimated that the matter was under the consideration of the Public Health Board. Several reminders were sent, but no final reply was received.

3. For 1944-45 the Municipal Health Officer (Dr. .S. aliga) granted licence for the working of electric motors in the factory and observed that licence for roasting cashewnuts would be granted after receipt of instructions from the Director of Public Health who was considering the conditions to be imposed. I felt I should not agree to this. The Health Officer had failed to pass final orders within the time prescribed

under section 321 (11) of the Madras District Municipalities Act as regards the roasting of the cashewnuts. On account of this I found that I could proceed against the licensee only if I could make out a case that ordinary conditions usually imposed for such licences were being infringed. I wanted to proceed on the strength of G.O.No. 749 P.H. dated 29-2-38. According to para 22 of the instructions relating to Health Officers (page 45 of Part I Section II, Chapter 4 -Municipal Health Officers - of the Public Health Code 1928 Edition) where there is a difference of opinion between the executive authority and the Health Officer in regard to the administration of public health in the municipality, "the matter shall be referred to the Director of Public Health, whose decision shall be final".

4. I therefore addressed a detailed letter to the Director of Public Health (Dr. K. Mathew) on 4-1044 explaining the conditions in the factory with reference to G.O.No. 749 P.H. dated 29-2-38, the nuisance to the neighbourhood and the instructions given by Dr. Adiseshan as well as the default by the Municipal Health Officer, which he attributed to the pendency of the question with the Director of Public Health, and asked for a decision. The following was the concluding paragraph of my letter:--

" I request you to send in the suggestions of the Public Health Board in the matter, and, if this is likely to take time, instructions may kindly be issued at an early date as to how the matter should be dealt with in the meanwhile in view of G.O.No. 749 P.H. dated 24-2-38 laying the type of roasters to be provided and prohibiting roasting within 200 yards of dwelling houses."

For this I got the following reply from the Director of Public Health:- on 20-10-44.

"Design of a cheap roaster is being tried departmentally by the Industrial Engineer. Until this is approved and recommended for adoption, the procedure previously employed may be continued."

The above decision of the Director of Public Health had to be taken by me as final, as stated above.

5. As regards the running of the motors without licence from 1-4-44 to 13-9-44, I may be permitted to submit that the direct responsibility for taking action to license industries and factories under section 249 of the Madras District Municipalities Act would rest on the Health Officer in view of the delegation referred to above. In actual practice it takes a month or two for the Sanitary Inspectors to prepare the annual list of industries and factories after the commencement of the official year (Article 175 of the Municipal Account Code) and for the Health Officer to verify them. Penal action cannot be taken unless a notice to show cause against prosecution is served on each defaulter (G.O.No. 395 L & M., dated 6-3-1936. Ordinarily the necessary forms from Messrs Loe & Co., are received in municipalities in June or July every year and only after the receipt of the forms the notices have to be prepared. This necessarily takes further time. At this particular period, I remember that the Health Department was badly handicapped for want of adequate staff. To the best of my recollection, it was only after the lapse of one year and a half after the proposal for the appointment of an additional Sanitary Inspector for the portion newly included within municipal limits was sent up that the necessary sanction was received from the Director of Public Health. Moreover, during the beginning of the official year the town was very seriously threatened with plague and the attention of the whole of the health staff was concentrated on the eradication of the infection. Really very vigorous and effective steps were taken in this direction. So routine work should have been affected to a certain extent.

6. On occasions when questions were raised before the councilas regards this factory, I informed them of the above action taken by me. Once I placed the whole of the correspondence mentioned above before the Council. The council as well as the petitioners who were agitating in the matter were satis-

satisfied at that time that I was doing what I could. The council appointed a committee consisting of the Vice Chairman and two councillors for following up the action taken by me. This will be evident from the fact that the council had not passed any resolution of protest in regard to the matter so long as I was there. In the meantime the factory was --- closed down and did not resume work until some months after I left Bangalore. I remember that the committee members did not want me to convene a meeting of the committee till the factory started roasting again.

7. If I did not revise the orders of the Municipal Health Officer during my time, it was only on the explicit advice given by two successive Directors of Public Health, which were in the nature of decisions binding on me as per prescribed rules of procedure. The facts stated above will show that though Dr. B.S.Baliga was a difficult person to -- deal with on account of his powerful all-round influence and his obsession that he was answerable to the Director of ---- Public health and none else, coupled with his propensity for slighting the Commissioner and three/ members of the council and circumventing statutory provisions where his own inclinations, which showed signs of being influenced by his local likes and dislikes that had grown as a result of his long -- stay in the district, tended to make him swerve from the -- obviously straight course, I have done my utmost in the circumstances of the case. I therefore beg to be exonerated. I have put in over 11 years of unblemished service as commissioner. This is the first occasion in which circumstances have conspired so as to lead to an explanation being demanded of me. This may also be kindly taken into consideration in coming to a decision.

30.7.45.

Commissioner.

Enclosure (3)

Copy of letter Ref: C.No. 3592-C4-34, dated the 11th March 1935 From the President-in-charge, District Board, South Kanara, Mangalore, to The Secretary to the Government of Madras, Local Self Government Department, Madras.

Subject: Licence - Mangalore Taluk - Cashewnut factories.

With reference to Government Memorandum No. 50760-2 E2 P.H., dated the 11th March 1932 informing the President of the defunct Taluk Board, Mangalore, that the question was as to how the nuisance caused by the working of the cashewnut factories can be avoided or mitigated is under consideration of the Government, I have the honour to request that final orders in the matter may kindly be passed soon.

/True copy/

compd: 21.7.45

Commissioner

Enclosure No 49

Government of Madras.

Licence -- South Kanara District - Cashew nut factories - Mitigation of nuisance - Orders passed.

Education and Public Health Department.

G.O.No. Ms 749 P.H. dated the 24th February 1938.

Read the following:-

Memorandum No. 50760 - 2 E2 P.H., dated the 11th March 1932 From the President, District Board, South Kanara, No. 4725/C1-37, dated the 24th June 1937.

Order:-

The question as to how best the smoke nuisance caused to the neighbourhood by the working of the Cashewnut factories in South Kanara District can be mitigated, has been engaging the attention of the Government for some time past. The Industries department were trying to evolve a suitable mechanical roaster which would minimise the smoke nuisance in the factories and at the same time enable the factory owners to collect the maximum quantity of oil from the shell. The Superintendent Kera Soap Institute has evolved a suitable "Cottage cashew roaster" for the purpose and the Government have in G.O.No. 1206 Development dated the 31st May 1937 sanctioned the printing and the sale to the public, of a note on this roaster. In this cottage cashew roaster, the noxious fumes produced by the burning of the nuts escape into the furnace through perforations in the upper surface of the pipe and get partially burnt and are carried with furnace gases through the chimney. If this cottage cashew roaster is used in factories the nuisance to the neighbourhood caused by the pungent and irritating

gases

gases that issue out of the factories will be mitigated to a considerable extent. The local bodies in whose area the cashew nut factories are situated are therefore requested to direct the factory owners at an early date to use only the cottage cashew roaster designed by the Industries Department and to provide high chimneys for their factories. They are also requested not to allow cashew nut factories within two hundred yards of dwelling houses.

(By order of His Excellency the Governor)

C.H.Masterman,
Secretary to Government.

To the President, District Board, South Kanara.
Copy To the Commissioner, Mangalore Municipality through the Chairman, Municipal Council.
To the Director of Public Health.
To the Development Department.

True copy/Forwarded/By order.

Superintendent.

(True copy)

compd: 21.7.45
h/21.7

21st July 1945.

Commissioner

Enclosure No 5

Copy of letter Ref.C.No. 474/38, dated the 29th July 1938 From the District Health Officer, South Kanara, Mangalore, to the Director of Public Health, Madras.

Subject: Dangerous and Offensive trades - Cashewnut industry - Abatement of smoke nuisance - Further report - Furnished.

Ref: Your No. 11824-3/HYG, dated the 6th May 1938 and your reminder No.I dated 20th July 1938 thereon.

Since I reported to you in my letter Ref. 474/38, dated the 11th April 1938 and again in my letter Ref.C.No. 300/38, dated the 7th May 1938 forwarded through the President, District Board, South Kanara, I regret to have to report that the solution for the abatement of the nuisance due to smoke in roasting cashewnuts is still far from sight. The cottage cashew roaster prescribed in G.O.No. 749 P.H., dated the 24th February 1938 would not appear to be of any practical use except in a very minor industry where only a bag or two of nuts is roasted every day. The President, District Board called for a conference of all proprietors of cashewnut industry in the District Board area a few days back and discussed how far existing bylaws can be enforced without detriment to the legitimate interest of the trade. Opinion was unanimous among them that the cottage cashew roaster is impracticable. Equally impracticable is the existing bylaw which requires the provision of a double chimney for the reasons stated in my previous reports. A conference which was summoned to examine how far the existing nuisance may be mitigated ended with a mutual understanding between the President District Board and the owners of the trade that pending further directions from the Government neither the existing bylaw relating to the provision of a double chimney nor the suggestion of the Government

relating

relating to the provision of a cottage cashew roaster will be insisted upon since both provisions are impracticable. The conference was useful for clarifying the other bylaws relating the provision of latrines, spittoons drinking water facilities non employment of children uhder 12 and of persons suffering from leprosy etc.

But the question of nuisance due to smoke requires further examination and such measures as will be within the means of the owners of the industry have to be devised for its abatement. As I have already stated in my previous reports I request that I may be given necessary instructions after a personal inspection if considered necessary. While the President, District Board is keen on enforcing the bylaws I gathered that he was equally keen that they should be practicable and their enforcement should not kill the trade outright.

/True copy/

Copy to the President, District Board, South Kanara.

**** *****************

21st July 1945. Commissioner.

compd: 21.7.45

H/21.7.45

Enclosure (6)

Copy of Urgent letter Roc No. C4/9478/~~43~~ 44, dated the 4th October 1944, from the Commissioner, Mangalore Municipality, Mangalore, to the Director of Public Health, Madras.

Subject:-Public Health - Roasting of cashewnut - Messrs Mijarkar's Factory at Urva - Complaints from the residents - suggestions to mitigate nuisance - requested.

On 9th September 1943 the residents of Urva, Mangalore, filed a complaint before you regarding the nuisance caused by roasting of cashewnut in Messrs Mijarkar's Factory at Urva, a copy of which was communicated to this office also. Several complaints are being received in the matter in this office. This Factory was inspected by your predecessor in office Dr. R. Adiseshan, L.M.S., B.S.Sc, Dip. Hyg (Camb), at his last visit to Mangalore i.e. in July 1943, and he kindly promised to send in certain suggestions to mitigate the smoke nuisance caused in the factory and asked me to hold further action in abeyance. The Municipal council also in its resolution No.12, dated the 4th October 1943 resolved to remind you in the matter. In reply to this office Roc No.C4/12357/43, dated the 13th October 1943, I was informed in your R.No.27343-1-Hyg -43 dated the 2nd November 1943 that the subject would be placed before the Public Health Board - Several reminders were subsequently sent by the Municipal Health Officer in this connexion.

Messrs Mijar Krishna Annappa Pai & Co. applied for licence under section 249 of the Madras District Municipalities Act for running electric motors and roasting of cashewnut for the year 1944-45, but no final orders were issued by the Municipal Health Officer on the application for license for roasting of cashew nut within the prescribed period by sub section 11 of section 321 of the Madras District Municipalities Act pending receipt of suggestions from you. As the matter now stands, it would appear that further action under sec. 313 of the Madras Dt. Municipalities Act cannot be taken against them for roasting of cashew nut without a licence as final orders are not yet passed on the license application. There are several complaints from the residents and reports from the Sanitary Inspector's that the smoke nuisance is intolerabl The factory is in the midst of thickly populated residential houses. There are many dwelling houses within the distance of 200 yards. It is also argued that the growth of the surrounding area into a residential one is largely due to the existence of the factory itself which provides employment to a good

Hands.

Under the above circumstances, I request you to send in the suggestions of the Public Health Board in the matter and if this is likely to take time and instructions may kindly be issued at an early date as to how the matter should be dealtwith in the meanwhile, in view of O.No. 749 Education and Public Health Dept. dated the 24th February 1938 laying down the type of roasters to be provided and prohibiting roasting within 200 yards of dwelling houses.

(True Copy)

Municipal Office, Mangalore,
Dated the 21st July 1945.

Commissioner.

Compd 21.7.45

H/21.7.45.

Enclosure (7)

Government of Madras,
Education and Public Health Department
(Public Health)

G.O.No. 327, 24th January 1941.

Rules - Madras Public Health Act - Section 16 - Delegation of functions of executive authority under the Madras District Municipalities Act to Health Officers.

Order - No. 327 P.H., dated the 24th January 1941.

In exercise of the powers conferred by section 16 of the Madras Public Health Act, 1939 (Madras Act III of 1939), His Excellency the Governor of Madras is hereby pleased to direct that the functions and duties of the executive authority of a municipality under the following sections of the Madras District Municipalities Act, 1920, shall subject to the general control of the executive authority, be performed and discharged also by the Health Officer of the municipality, namely:-

(i) Sections, 134(1)(f) and (g), 141 (1), (2) and (3), 147, 148,158,223, 235,236,238,245(1)(2)and(3),246(1)and(2),247,249,253,255,256,257,258,269,[redacted], 272,274,276,285,291,and 339(2)

(ii) Sections 321(5)to (8) and (11) and 338 in so far as they relate to licenses and permissions which can be granted by the Health Officer under the sections mentioned in clause(i);

(iii) Sections 353 (1),335 and 351 (a)(b) and (h) in so far as they relate to the sections mentioned in clauses (i) and (ii) and

(iv) section 347 in so far as it relates to offences against; (a) the sections mentioned in clause (i) to (iii) and (b) sections 140,231,239,275, 279 (1),281(2) and (3), 283(3) 292,300,318 (2) and 339 (2) and (3)

By order of His Excellency the Governor)

E.C.Wood
Secretary to Government.

True copy.

21st July 1945.

Commissioner

H/21.7.45.compd: G
21-7-45

Enclosure no (8)

Copy of Government Memorandum No. 20464-41-2 P.H., dated the 10th July 1941 of the Education and Public Health Department of the Government of Madras.

Reference: G.O.No. 327 Public Health dated the 24th January 941 from the Director of Public Health, letter No. Roc No. 14530 Hyg-41-1 dated the 6th May 1941.

In G.O.No. 327 Public Health dated the 24th January 1941 it was directed that the function and duties of the Executive Authority under the sections mentioned therein should be performed and discharged also by the Health Officer. In other words the Executive Authority and the Health Officer are to exercise their powers concurrently and wherever the Health Officer exercises his powers he has to do so under the general control of the Executive Authority.

The term 'general control' cannot be defined exhaustively. It will

It will be open for example to the Executive Authority to direct the Health Officer (1) not to exercise his powers in any specified class of cases either absolutely or without his previous consent and (2) to pass provincial orders only and not final orders in any specified class of cases.

2. If the Director of Public Health has any concrete cases in his mind he may say what they are and take further instructions if necessary.

(True copy)

21st July 1945.

H/21.7.45.

compd:- 21.7.45

Commissioner

Main file has gone to Legal on 11.9.45 (PH(H))
its return maybe awaited
12.9.45

Ref. C. No. C4/9478/44.

Municipal Office, Mangalore,
Dated the 30th July 1945.

From

Sri B. Suryanarayana Rao, M.A.,
Commissioner, Mangalore Municipality,
Mangalore.

To

Encls: 14. The Deputy Inspector of Municipal Councils and Local Boards,
Western Range, Coimbatore.

Sir,

Subject:- Licence -- Mangalore Municipality -- Cashewnut Factory of Messrs Mizar Krishna Annappa and Co - Explanation -- Submitted.

Reference: Your letters Roc No. 2388/45. dated the 23rd July 1945 and 26th July 1945

I submit herebelow my explanation :

2. I took charge as Executive Authority, Mangalore Municipality on the afternoon of 5th January 1945. I have to, therefore, answer for the period after this date.

Grant of Licence for 1944-45.

3. As regards grant of licence for the year 1944-45, I have to submit that I joined as Commissioner here only at the fag end of the year. Long before I joined here a petition from one Mr. Sequeira complaining about the nuisance was placed before the council on 27th October 1944. This was referred to a committee consisting of the Vice-Chairman and two councillors for report. The committee never met. When I took charge on 5-1-1945 I, therefore, never knew the existence of this factory or the nuisance caused by it. I came to know of it only when a complaint was received from one Sri A. Choodappa on 10-2-1945 addressed to the Chairman in council. This was referred to the Municipal Health Officer for remarks and also marked for council meeting. The Municipal Health Officer replied on 24-2-1945 that the Factory had closed on 17-2-1945 and that no action was called for. The petition placed before the council was made to lie over in its resolution No. 33 dated the 26th March 1945. As the factory stopped working, as there were no complaints, the matter did not engage anybody's attention till the end of the year 1944-45.

Before coming to the year 1945-46 and the happenings up to 1-6-1945 till which date my explanation is called for I have to submit the following facts :-

(i) A perusal of the file of South Kanara District Board D.Dis. No. 4725/C1/37 dated the 1st August 1938 tells that the nuisance caused by Cashewnut Factories in this district has been engaging the attention of Government even from the year 1932, that Government in their order No. 50760-2 E2, P.H., dated 11-3-1932 had permitted the issue of licences for the working of the existing factories pending the issue of final orders on the devices to be adopted for mitigating the nuisance. I am enclosing a copy of the office note which testifies to these facts. The Government were reminded on 11-3-1935 and the Government in their Memorandum No. 11854-1-E, P.H., dated 30- 3- 1935 replied that the matter was still under consideration of Government. On 25-9-1937 the residents of Urva, Mangalore, the locality in question now, submitted a petition (copy enclosed) complaining in the same severe terms as now against the nuisance caused by the factories at Urva, one of which is the factory in question now (Mizarkar's) to the Hon'ble Dr. T.S. Rajan, the then Minister for Public Health. This was referred to the Director of Public Health who called for a report from the District Health Officer and the District Health Officer while submitting his report dated 10-11-1937 stated in conclusion as follows :-

"Even assuming that the township grew as a result of these factories the residents who live there now have to be provided

with relief from this nuisance though theymay not be legally entitled to it. The factory owners appear to me to be willing to adopt any reasonable and economic measures which are suggested to them. I may be enlightened as to what measures I could suggest for the abatement of this nuisance ".

Such is the situation even now. Government in G.O.No. Ms 749 P.H., dated 24- 2- 1938 (copy enclosed) in reply to the President's letter referred to above recommended a type of roaster known as "Cottage cashew Roaster" evolved by the Superintendent, Kerala Soap Institute to mitigate the nuisance. After experiments this was found bo be of little use and the District Health Officer in his letter to the Director of Public Health Ref.C.No. 474/38 dated 29- 7- 1938 reported that the Cottage Cashew Roaster prescribed in G.O. No. 749 P.H., dated 24- 2- 1938 would not appear to be of any practical use except in a very minor industry where only a bag or two of nuts is roasted every day" The concluding paragraph runs as follows :-

"But the question of nuisance due to smoke requires further examination and such measures as will be within the means of the owners of the industry have to be devised for its abatement. As I have already stated in my previous reports I request that I may be given necessary instructions after a personal inspection considered necessary. While the President, District Board is keen on enforcing the by-laws I gathered that he was equally keen that they should be practicable and their enforcement should not kill the trade outright"

The above account and facts reveal all aspects of the case, and from them it will be seen that this is a matter which has been engaging the attention of Government for the past several years, that no final solution could so far be found and that the nuisance was being complained of in the same vehement way even as now

(ii) Licensing of Factories is done under section 249 of the Madras District Municipalities Act. The powers conferred on the Executive Authority in this regard are exercised by the Municipal Health Officer only statuterily under section 16 of the Public Health Act after the enactment of the latter and also as authorized by Government through G.O. No.327 P.H., dated 24- 1- 1941. Defaulters are prosecuted by him alone. There has been no instance in this municipality where the Commissioner also exercised these functions or interfered in respect of these functions exercised by the Municipal Health Officer thus, even when there were similar agitations as of the Jaya Cafe here. Out of eight Second Grade Municipalities addressed on this subject, four Commissioners stated that there has not been a single instance where the Executive Authority interfered in respect of these functions exercised by the Municipal Health Officer, one replied that he is examining the position still and three have not replied. From this it is clear that the points raised by me on this subject in my reference to Government need to be clarified early for the guidance of all Commissioners and that none knows properly the implications of the expressions "General control" etc.

(iii) A brief history of the factory in question is also necessary to be given here. The factory was established in 1930 though it came within Municipal limits in 1943. The process of roasting adopted in the factory till 1938 was reported to be very crude, being done in open pans causing much greater nuisance than now. This is what was represented by the Municipal Health Officer. Also during my inspection of the factory the Manager or so in charge explained this and showed me the open pans now not in use. This was represented by the Proprietor to the Assistant Director of Public Health during his recent visit and the open pans were also shown to him. The present method of roasting was represented to be by far improved, the nuts being roasted in ~~the~~ a closed oil tank and smoke let out through Chimneys about fifty feet high above the ground and that the nuisance is much less comparatively. I was also informed by the Health Officer that at

District Health Officer when he was doing his best to abate the nuisance his action was stayed by orders of Government stating that the matter was under consideration.

4. Coming to the grant of licence for the year 1945-46 I have to submit as follows:-

The Proprietor applied for licence and paid the prescribed licence fees of Rs.112-8-0 towards roasting cashewnut and Rs.45-0-0 towards Electric motors. Only the licence could not be granted for the reasons submitted below:-

The factory came within the jurisdiction of the Municipality on 1- 4- 1943. The owners applied for licence on 30- 4-1943 and paid the licence fees on 28th May 1943. Licence was granted by the then Municipal Health Officer Dr. B. Chetty on 14- 6- 1943 subject to the following conditions:-

1. The chimneys emitting smoke should be raised to a height of at least 25 ft from the top of the roof,

2. All the fire-places generating heat should be fed only by fire-wood,

3. Under no circumstances should cashew shells be used as fuel.

But in his petition dated the 21st July 1943 the proprietor prayed for time to fulfil the above conditions. At this juncture my predecessor Sri K. Rama-swami Mudaliar was in additional charge of the post of Municipal Health Officer and in this capacity he refused on 23- 7- 1943 to grant time. At this stage the Director of Public Health visited the factory on 27- 7- 1943, gathered first hand knowledge of the nuisance and promised my predecessor to send his suggestions. In view of these promised suggestions and advice of the Director of Public Health, my predecessor issued orders to the proprietor on 31- 7- 1943 holding in abeyance his previous order refusing time. These orders run as follows:-

"As the Director of Public Health has since inspected the factory and said that he would be sending in his suggestions, further action on this office orders dated 23- 7- 1943 will be held in abeyance".

It is needless to submit that it is thus the intervention of the Director of Public Health, his promised suggestions and the above orders issued to the proprietor that previous orders enforcing conditions to mitigate the nuisance were kept in abeyance by the local executive and that were responsible for the present situation. Before the Director of Public Health visited the factory my predecessor acting as Municipal Health Officer could act independently and take definite steps calculated to stop the nuisance but after the Director of Public Health visited and promised to send his suggestions the previous orders had to be held in abeyance. The situation repeated itself this year too, in the absence of the receipt of those promised suggestions of the Director of Public Health. This year too, the Municipal Health Officer stated that he could neither grant nor refuse the licence and that the question of grant of licence was kept in abeyance pending receipt of instructions from the Director of Public Health. He also told me and the council time and again and showed records to show that he was reminding the Director of Public Health to expedite his suggestions and that he could not take any definite action in the absence of them and and the defiance of his official superior. He also showed a communication from the Director of Public Health which runs as follows :-

"Please report urgently whether any instructions have been given to the proprietor of Messrs Krishna Annappa Pai and Co. Cashewnut Factory, Mangalore to stop burning cashew shells and use firewood instead. If so the circumstances under which such advice has been given and with what results"

From this order it looked as though the Director of Public Health had received a report that the Municipal Health Officer had issued such instructions and that it was construed by him as defiance or disobedience of his instructions to await his suggestions. The Municipal Health Officer, however, replied that no such instructions were given and no action was taken pending receipt of his instructions. Under these circumstances the Municipal Health Officer could only urge for instructions from the Director of Public Health. He reminded the Director of Public Health on 12th August 1944, 19th August 1944 and 26th August 1944, and received a reply on 6-9-1944 that the Public Health Board had not yet considered the question. On 14-10-1944 again the Municipal Health Officer received the following order in R.No. 35879 Hyg - 44.

" A ~~single~~ simple roaster for cashewnut has been devised by the Government Industrial Engineer and experiments with this are being conducted. It will be suggested for adoption after its approval by ~~of~~ the Public Health Board".

As the Municipal Health Officer was thus dealing with the question and keeping the Director of Public Health continually informed of the complaints, my predecessor took the following action :-

Action taken by my predecessor

On 10- 9- 1943 my predecessor Sri K. Rameswami Mudaliar received a copy of the petition intended for the Municipal council but addressed to the Director of Public Health himself. He placed this before the council and the council resolved to remind the Director of Public Health to send his suggestions in its resolution No.12, dated the 4th October 1943. My predecessor accordingly addressed the Director of Public Health in his letter Roc No. C4/12357/43, dated the 13th October 1943 reminding him of the suggestions promised during his visit and of the advice tendered to hold further action in abeyance. A copy of this letter is enclosed. The Director of Public Health in his letter R.No. 27343-1-Hyg-43, dated the 2nd November 1943 replied as follows :-

Encl 4

"Sub: Nuisance - Roasting of Cashew nuts - to abate nuisance.

The subject in question will be placed before the Public Health Board meeting which is to be held on 8th November and their decision in the matter will be communicated to you in due course."

This reply was placed before the council and was recorded on 20th December 1943.

Again my predecessor in his letter Roc No.C4/9478/44, dated 4-10-44 explained the whole situation detailing all the circumstances as to how several complaints were received and how the nuisance was reported to be intolerable, how the proprietor applied for licence for the year 1944-45, how final orders were not issued by the Municipal Health Officer on the application within the prescribed period and that therefore it would not appear possible to take action under section 313 of the Madras District Municipalities Act and requesting for the suggestions of the Public Health Board and that if delay was involved seeking instructions as to how the matter should be dealtwith in the meanwhile A copy of this letter is enclosed. To this letter seeking definite instructions the Director of Public Health in his letter R.No. 35877-Hyg. dated the 20th October 1944 replied merely as follows:

"Design of a cheap roaster is being tried experimentally by the Industrial Engineer. Until this is approved and recommended for adoption, the procedure previously employed may be continued".

From this it is clear that the Director of Public Health did not desire any other action and that his suggestion should be awai...

was not allowed to be pursued. Thus it will be seen that even though there is a senior First Class Health Officer who alone has been discharging these functions, from the start, I took every action. Further action is detailed in the paragraphs which follow.

Part Played by the Council

6. Coming to the part played by the council, I have to submit that it did not move suo moto in the matter. I received a petition complaining of the nuisance and addressed to the Chairman on 10th February 1945. While calling for the remarks of the Municipal Health Officer who reported that the factory had since closed, I marked it for the council. It was made to lie over by the council in its resolution No. 33 dated the 26th March 1945. This subject came up before the council again on 16th April 1945. In this meeting the following resolution was moved by the Vice-Chairman.

"That this council resolves that a licence to Messrs Mizarkar's Cashew Factory for 1945-46 may be granted only on the following conditions". The conditions suggested were the same as those imposed in the licence granted in 1943 but which were held in abeyance by my predecessor in view of the visit of the Director of Public Health and his advice. At my suggestion it was also resolved that the Director of Public Health might be addressed and the Director of Public Health was addressed by the Municipal Health Officer on 18th April 1945 itself. Encl. 6 In this letter (copy enclosed) first while discussing all aspects in the end sought urgent instructions as to whether he has to issue the licence as per the conditions laid down in the council resolution or grant a licence permitting previous procedure. This concluding para of the letter seeking these instructions runs as follows:

"Under the above circumstances I solicit urgent instructions whether I am to issue the licence in accordance with the conditions mentioned in the council resolution or grant a licence as per instructions contained in the letter of the Director of Public Health dated the 20th October 1944 and allow the procedure previously employed to continue till the new roaster is approved. As the matter is important I request urgent instructions may be given".

A copy of this letter was communicated to me and I was also informed that further action that would be taken would be intimated on receipt of instructions from the Director of Public Health. With a view to appraise the council expeditiously of this and to see if it could think of a more appropriate course I got convened a meeting specially for this purpose on 23- 4- 1945. This should also bear adequate testimony to my earnestness to see that the problem is solved expeditiously. Further, in this meeting I suggested that the council might resolve to move the Director of Public Health by telegram to impress on him the urgency or to address Government and also to resolve that I should interview the Director of Public Health to impress on the latter personally the urgency during my then proposed trip to Madras to study Rescue Homes in pursuance of a council resolution only. I have reason to believe that if this suggestion was accepted, the problem would have been solved much earlier. But instead the following resolution was moved by the Vice-Chairman.

"That this council is of opinion that the resolution No. 38 dated the 16th April 1945 (was) unanimously passed by the council and that it should be enforced forthwith and Messrs Mizar Krishna Annappa Pai and Co shall be given 2 weeks' time from the date of communication of the issue of the licence to fulfil the conditions".

Even this resolution moved in the meeting on 23- 4- 1945 sought to give two weeks' time to fulfil the conditions and to mitigate the nuisance. However, after one lawyer councillor impressing on the council the legal aspect the resolution was put to vote and lost and the meeting ended with, in effect, no business transacted. Even then immediately after the meeting on 23- 4- 1945 itself, inviting his attention to the letter of the Municipal Health Officer of 18th April 1945 and mentioning that this subject of factory nuisance came up for discussion on that day's special meeting I addressed the Director of Public Health urging for urgent instructions. The last sentence of my letter runs thus :

After all this the Municipal Health Officer stated that he could neither issue a licence imposing any conditions nor take any other action and that a licence which imposed no conditions was as good as no licence for purposes of control.

Action taken by me :

3. As regards the action taken by me in 1945-46 other than that connected with council resolutions, I have to submit as follows:

About the 3rd of April 1945 the Manager of the office received a phone message from Sri A.Choodappa of Canara Watch works in the forenoon regarding the smoke nuisance and he informed me of it when I attended office. Immediately I discussed the matter with the Municipal Health Officer who showing the relevant communications explained how the matter was pending with the Director of Public Health and the Public Health Board. That very day I addressed the Municipal Health Officer to remind the Director of Public Health to expedite his instructions. That evening the party saw me and I explained to him the suggestion position and how it was pending with the Director of Public Health but at the same time informed him that I would inspect the factory and do what I could in the meanwhile. I also asked the Municipal Health Officer to inspect the factory and to report to me on the nuisance complained of. On 6- 4- 1945 I received a written complaint from Sri Choodappa. I again discussed the matter with the Municipal Health Officer who informed me that he had already inspected the factory that morning and that the nuisance was the old usual one as the factory resumed working. The very next day I made a joint inspection of the factory with the Municipal Health Officer and studied its working in detail with reference to the smoke nuisance and while offering my remarks to the Collector on 26th April 1945, I conveyed the impression formed by me that the smoke was emanating from the Chimneys not continuously but by fits and starts, that it was due to the use of cashew shells as fuel, that the smoke emanates in considerable quantity whenever the hearth is fed, that the smoke thus coming spreads itself mostly within the factory premises especially as the Chimneys quantity are not high very high, that the remaining quantity of smoke travels towards to the neighbouring residential locality and that the intentity of nuisance was less outside the factory premises.

Whatever be the degree of nuisance I decided to give immediate relief and pending receipt of suggestions of the Director of Public Health, I decided to persuade the proprietor to raise the height of the chimneys and to replace cashew shells by fuel by fire-wood. But the Proprietor was not there in the factory. I left word with the Manager or so to send the proprietor to see me in the office. The next day the proprietor came me in the office and gave my suggestions, The proprietor Municipal Health Officer, also being present. The proprietor expressed every willingess to do his best and to start the work of raising the chimneys immediately, but with regard to firewood he said that these being being days of rationing it might not be possible to get the full quantity required but that he would use it to the extent to which he would get a permit on application from the Collector. He accordingly started the work of raising the height of the chimneys. While offering my remarks to the Collector I reported that by them the height of two out of six chimneys, had already been raised and that of the rest was in progress and this was being caused to be done to give immediate relief pending receipt of suggestions of the Director of Public Health. Having decided to take steps to mitigate the nuisance pending receipt of the said suggestions, the very next day on 7-5-1945 after I received the petition I informed through letter Sri Choodappa the complainant that the factory was inspected by me that morning and that the matter was engaging attention. As this action to mitigate the nuisance was in progress, the matter came up before the council and the Council was informed of the action taken thus by me. Thereafter this line of action taken by me, pending receipt of suggestions of the Director of Public Health which were also being urged simultaneously

"Under the above circumstances, I request that instructions may kindly be issued on the letter of the Municipal Health Officer expeditiously in view of the urgency of the matter".

After this I left for Madras on 27th April 1945 in pursuance of a council resolution to study Rescue Homes and returned to Station only on 6th May 1945 night after an absence of ten days. I have no knowledge of any happenings or developments during this period and the Manager, the Commissioner-delegate, informed that nothing special has come to his notice. During the period of my absence I expected receipt of instructions from the Director of Public Health but they were not received. But on the very next day of my return to station i.e. on 7th May 1945 itself a meeting was fixed and this subject came up before the council. In this meeting the Municipal Health Officer acquainted the council with the full history of the case and explained his helplessness in the absence of instructions from the Director of Public Health. Still a resolution was moved by the Vice-Chairman that steps should be taken to stop forthwith all burning operations in the factory. It was pointed out by some that the resolution was ultra vires. At this stage the Municipal Health Officer was asked for his opinion if he would be able to carry out it out. He expressed his inability to act on this resolution without receiving the instructions of the Director of Public Health and that he would not be able to defy his official superior. The resolution was, however, passed expressing that they would finish their duty and the rest might be left to the discretion of the Executive. The very next day the resolution was communicated to the Municipal Health Officer for immediate necessary action and report as he alone implementing council resolutions on Public Health matters. On that very day itself the Municipal Health Officer sending a copy of the resolution of the council addressed the Director of Public Health to expedite his instructions and informed me that he was awaiting instruction of the Director of Public Health to give effect to the resolution. Following the spirit of the resolution I decided to act as my best discretion dictated. I decided to see that by some means matters are brought to a speedy conclusion. I wanted to draw the serious attention of the Director of Public Health effectively for this purpose and if this attempt failed to report the matter to Government for urgent advice. With this determination I sent that very day 8- 5- 1945 the following telegram:

"Council passed second resolution. Please see my letter G4 - 9478 - '44 of twenty third ultimo. Kindly expedite instructions for mitigating the nuisance"

Simultaneously (that very day) I addressed a letter enclosing a post copy of my telegram, inviting his attention to the letter of the Municipal Health Officer and mine stating that the agitation from the residents of the locality was increasing that they have approached him the Director of Public Health, the Inspector of Municipal Councils and the Collector and urging advice if the Municipal Health Officer could issue licence and if so the conditions under which it should be granted pending the recommendation of a suitable roaster and requesting him to treat the matter as "very urgent". I am enclosing a copy of this letter. These measures should bear indisputable proof to my earnestness to find an urgent solution. This elicited response - Thanks to the Director (He in his letter (copy enclosed) of 12- 5- 1945 informed that the place would be inspected by an Assistant Director of Public Health and instructions issued. Simultaneously the Tour programme of the Assistant Director of Public Health also came. Relief was thus in sight, and things were rapidly moving and I felt no necessity thereafter to think of any other course. Every one appeared satisfied. Only the resolution of the council which was illegal and Ultra vires was there and I approached Government for necessary

orders and cancellation of this cannot be an urgent matter too. The Assistant Director of Public Health visited Mangalore about the 20th May and inspected the Factory in question and other factories in the town from 21st to 23rd May 1945. I was with him in his inspections. I personally pressed for sending his suggestions expeditiously which he promised me as well as the Collector whom he met to send within a few days. Again on 28th May 1945 I wrote a D.O. letter to him to expedite his suggestions. The inspection notes were received by me on 3rd June 1945 night and I saw that action was taken by the Municipal Health Officer on 4th June 1945 itself, though the Municipal Health Officer received the copy intended for him a day or two later, and the factory can be said to have been closed as a result of our action on 4th June 1945 itself, just two days after the Sub Divisional Magistrate took action, I learn, under Section 133 of the Criminal Procedure Code. Thus at every stage action was taken within 24 hours of a happening and amidst pressure of work in other directions, especially because of prevalence of two epedimics, every importance was given and considerable time bestowed on this question. I do not think anything more can be expected of a Commissioner with his multifarious responsibilities, especially when there is a senior First Class Health Officer whose chief duty or responsibility this is and who should be expected to act with every sense of responsibility.

Degree of Nuisance:

7. As regards the degree of nuisance I have to submit that I had no previous knowledge of the nuisance or its intensity. I was a stranger to cashew factories and to the nuisance caused by them, not having come across with them in any previous town where I served. It was represented by the Factory Manager during my visit that the previous system of roasting was in open pans and that it caused considerable nuisance and that the present method of roasting nuts in oil in a closed tank is a much improved one with much less smoke nuisance. The old pans now out of use were also shown to me. The Municipal Health Officer corroborated this and while offering remar to the Collector he stated as follows :-

"The factory in question has been in existence since the year 1930 and was outside the Municipal limits prior to April 1943 and at that time the method adopted for roasting was rather crude and conditions were much worse then. Improved methods of roasting are now employed and the smoke from roasters is let out through chimneys more than 50 feet high from the ground level".

Further the Municipal Health Officer who is one of the senior-most Health Officers in the province, while offering his remarks submitted by me to the Collector stated thus:-

"As regards the nuisance due to the roasting of cashewnuts, I may state that there is a certain amount of nuisance though not to the extent to which the petitioners want to make out". By-~~placing-way-of-placing~~)

By way of placing all the facts I may also submit that it is the practice among the poorer classes here to use cashew shells as fuel being cheap, for domestic cooking with its consequent nuisance to neighbo

Further the experience gained by me during my visit did not tell that the nuisance was so great as to call for emergent action involving any extra-ordinary step, as far as I could judge as a layman. There was appreciable amount of nuisance and this cannot be denied. I reported this experience of mine to the Collector in my remarks vide on 26th April 1945.

More important than all these, the Director of Public Health, the Public Health Authority for the province himself, visited the factory obtained first hand knowledge of the nuisance, prevented effective action while being taken by my predecessor and advised ~~waiting~~ waiting till he sent his suggestions. If the nuisance was considered so great as to need emergent action, he could not have tendered such an advice. These important facts as well as the fact that the nuisance has been

therefor the past several years and complained of in similar terms as the petitions of the past and present reveal did not suggest to me that instantaneous action and over the head of the Director of Public Health not to speak of the Health Officer, was called for. If the Director of Public Health who had visited the factory had come to the same conclusions as to the degree of nuisance as the Assistant Director of Public Health who recently visited and sent his inspection notes, the nuisance would have ended long ago and all this, situation and worry to all concerned would have been saved. In the circumstances until the notes of the Assistant Director of Public Health were received on 3- 6- 1945 we had to be guided naturally by the opinion of the Director of Public Health and our own impressions.

The Agitation:

8. As regards the agitation I have to submit as follows:

The agitation that came to my knowledge was the petitions from two or three individuals, the personal representation of only Mr.Choodappa, the references received from the Inspector of Municipal Councils, Collector and Director of Public Health to Municipal Health Officer at different times and the presence of some of the residents in one or two council meetings. During the later half of May 1945 when things were already moving, the Assistant Director of Public Health having been announced I came to know from conversation with one or two councillors that the residents of the factory area have gone in a body to every councillor.

On this by way of placing all facts before the authorities for correctly understanding the situation, I have to submit that the agitation was not entirely actuated by motives to mitigate the nuisance as far as I could judge from the happenings. It was also actuated by personal antogonism towards the Municipal Health Officer for which there is ample and indisputable proof, and this obsessed the issue and confused every one and, especially a new comer to Mangalore like me. The complaints through telegrams sent to the Director of Public Health and Inspector of Municipal Councils contain the following allegation against the Health Officer:

"Health Officer Baliga grossly indifferent and advises neighbours to abandon homes. Pray Government intervene and enquire secretly and deliver poor people"

The Health Officer while offering remarks to the Collector, replied this allegation thus:

"I further submit that none of the signatories to the telegram or petition has ever come to me nor did I advise the neighbours to abandon their homes. This is another instance of the malicious campaign that is being carried on here against me for some time past by a few unscrupulous persons"

This was the unfortunate atmosphere in which I found myself even as I assumed charge here as Commissioner, while I came with the ambition of doing some substantial work. As I took charge, every one high and humble began to say that much was expected of me here considering my humble work at Udipi in their own District and elsewhere, and I did not want to disappoint them but plunged myself in the work of improving the town in every direction. But this prejudicial atmosphere was telling on the administration and it cost me no uncommon effort and energy to maintain still the administration at an efficient level and from suffering detrioration, securing the cooperation of the officers & staff one way and tendering proper advice to the council the other.

Whatever these mutual prejudices be, con concommitant on an Officer being appointed be his own place, which alone is indirectly responsible for much of this, I did respect the

agitation and therefore alone, when I felt it deserved serious notice, I took a definite step by sending a telegram to the Director of Public Health with determination to bring matters to immediate conclusion, while appraising also the Director of Public Health of the increasing agitation, for judging from all the circumstances detailed above, I came to the conclusion that the solution lay only in obtaining immediately the suggestions of the Director of Public Health. In this belief alone while offering my remarks to the Inspector of Municipal councils. I requested that the Director of Public Health if considered advisable, might kindly be moved to issue definite instructions to the Municipal Health Officer very early and while offering remarks to the Collector I stated if definite instructions were issued by the Director of Public Health to the Municipal Health Officer regarding the mitigation of the nuisance early, there would be no cause for complaint. While the Inspector called for my remarks before 25th April 1945 I offered them on 19th April 1945 itself and while the Collector wanted my remarks before 30th April 1945. I offered them on 26th April 1945 itself even after obtaining the remarks of the Municipal Health Officer. Thus I paid personal attention and acted promptlyat every stage to step. Thus all the heads of the departments concerned besides the Director of Public Health were kept fully informed too.

9. It is also necessary to bring to kind notice here that as matter of factory nuisance was engaging our attention, simultaneousl (~~xxxx

of the Palacode Municipality for more than one year now and I have had several opportunities of viewing his work. I gathered t impression that his work was always characterised by earnestness, sincerity, industry, enthusiasim and a well-marked spirit of public service. I have no doubt that with these qualities he will justify himself in any position of trust or responsibility in whi he may be placed. I wish him the best of luck in his endeavours.

5th September 1943. (sd) P.M.Nayak (I.C.S.)
Sub Collector
Narsapur.

Implementing Council Resolution dated 7-5-1945.

11. I was asked also to explain why no action was taken to give effect to the resolution of the council dated the 7th May 1945. On this I have to submit as follows:

At the outset I have to submit that I was away from the station from 27th April 1945 to 6th May 1945 night to study Rescue Homes in pursuance of a council resolution. In the meeting held on the very next day this resolution was passed as detailed in the foregoing paragraphs. In the course of the discussion it was pointed out that it was illegal and ultra vires. This resolution was so, for the following reasons: Firstly, it purports to modify, nay, cancel the resolution passed on 16th April 1945. As three months have not elapsed since the resolution was passed on 16th April 1945 that licence might be granted subject to certain conditions, the condition laid down in rule 8 of schedule III that no resolution of the council shall be modified or cancelled within three months after the passing thereof except at a meeting specially convened-the in that behalf etc. was not fulfilled. It is ultra vires because it is beyond the powers of the council to resolve to stop all burning operations. Under section 251 (2) (a) of the Madras District Municipalities Act the council can at the most prohibit the use of a particular kind of fuel employed, here cashew shells. Further under section 249 of this Act the Executive Authority (now the Health Officer) is the licensing authority and the Municipal council can interfere only on appeal under section 322 (c) of the Madras District Municipalities Act. Here there was neither a grant nor refusal too for the council to interfere. This was confirmed by legal opinion and an examination will make this at once clear. ~~Thxxxxiamx~~ To act on the letter of it was, therefore, found not possible. Granting that the resolution was in order taking steps to stop the factory will be contrary to the instructions of the Director of Public Health, who stayed such action when my predecessor took as detailed in the foregoing paragraphs. Further no final orders either granting or refusing the licence within the time prescribed by sub section 11 of Section 321 of the Madras District Municipalities Act were passed by the Municipal Health Officer pending suggestions from the Director of Public Health, as already stated in the foregoing paragraphs. Under these circumstances if steps are taken to stop the working of the factory as is the purport of the resolution, it is obvious that it would lead to litigation and a suit for damages. Thus this way lay complications and troubles. The safest course lay only in obtaining expeditiously the suggestions of the Director of Public Health.

The idea of the council can only be and should only be to find some urgent solution and the trend of the discussion and the spirit in which the discussion closed, while passing the resolution after hearing the legal aspects and the Health Officer's opinion expressing inability to implement it without instructions from the Director of Public Health, was that they were discharging their duty and that the rest would be left to the discretion of the Executive as already stated in the foregoing paragraphs. I, therefore, used my discretion to find an immediate solution. Within 24 hours of the passing of the resolution I sent a telegram

as well as addressed a letter to the Director of Public Health urging for urgent instructions as already detailed in the foregoing paragraphs. This step obtained the expected response. The Assistant Director of Public Health came and gave the solution ~~in spirit~~. Where a solution could not be found for years, a solution has thus been obtained within within about six weeks. *Thus I did implement the resolution in spirit.*

12. As the chief Executive Authority of the Municipality apart from any implied responsibility cast G.O. No. 327 dated the 24th January 1941 I submit that I know that I have some responsibility though there is a very senior First Class Health Officer exercising these functions. That is why I took all the action detailed above. One way I took ~~all the action~~ steps to mitigate the nuisance persuading the proprietor to raise the height of the chimneys and advising him to replace cashew shells by fuel pending receipt of suggestions from the Director of Public Health, while at the same time I took steps to obtain expeditiously the promised suggestions of the Director of Public Health. I took steps to mitigate the nuisance even before the matter commenced engaging the attention of the council.

From the facts submitted above it will be seen that I did take all action that could be expected of me as Commissioner while there is a technical officer, Health Officer, who has been solely exercising all the functions under this section 249 of the Madras District Municipalities Act. I am also enclosing a copy of the reply drafted after a perusal of the file by the Legal Adviser of the council P. D. Souza, one of the most respected and experienced lawyers in this town, at the request of the council in Council resolution No.54 dated 11- 6- 1945 to the suit notice issued by Sri Chandappa, one of the complainants of the nuisance, to the Chairman, Commissioner and the Chairman in council. A kind and perusal of this will reveal facts as they are and that the executive have done their duty and that if the Director of Public Health had not visited the factory and issued a direction that the then arrangements in the factory could continue pending suggestions which he promised to issue in the matter there would have been no room for complaint. Then the council changed its mind and constituted a committee consisting of the Vice-chairman and two councillors to draft a reply on behalf of the council separately on the express condition that no reflections should be made on the executive. But strangely enough the committee did the contrary and putting things briefly M. S. Sreshta Esq., Retired Member of the Colonial Civil Service, Ex M.L.C. and Counciller now, who held high administrative posts and possesses considerable administrative and legislative experience, one of the most respected citizens of this town and Leader of the Catholic Community here and who takes keen interest in the administration, after a dispassionate study of the question sent his minute of dissent to the Collector wherein he states thus :-

"Although the whole affair was unfortunate, the fact remained that from the time of Dr.Chetty, a previous Municipal Health Officer and his locum-tenens the then Commissioner Mr. Ramaswami Mudaliar, the matter was under correspondence between our Executive and the Director of Public Health and the latter had instructed the Executive to let the old procedure to continue pending examination of the new method of burning.

In view of the attitude taken by the Director of Public Health it is not fair to put the blame on the Executive".

I venture to submit that any one who makes a careful and dispassionate study of the question cannot but come to this conclusion. I may also submit for kind information that my sincerity has never been questioned to this day by any one either in the council or outside in this town, even as elsewhere, and I did what my best judgment dictated in tackling this question with inherent difficulties, a suitable roaster not having been evolved to this day by the Industries Department.

In conclusion I submit that if the authorities still consider that there has been any omission on my part, it can at best be an error of judgment for which I can only pray to be excused.

31/7/45

Commissioner.

Encl. 1.

Office Note.

No. 4725/37.

Subject:- Offensive and dangerous trades - Cashew nuts - roasting of - renewal of licences etc - final orders of Government - not received - orders are solicited whether a reminder may be issued.

The Government in para 1 of their order No. 50760-2 E 2 P. H., dated 11th March 1932 have permitted the issue of licences for the working of the existing factories pending the issue of final orders. Para 2 of the above Government order permits the President to issue licences for the erection of new factories if the working of such a factory does not cause any nuisance to the inhabitants in such localities or in the neighbourhood of such localities. There are several cashew nut factories or workshops in Mangalore and Kasaragode Taluks and till 1935-36 licence were granted for their working with the approval of the District Health Officer, South Kanara. During the year 1936-37, the District Health Officer, South Kanara, has not recommended the grant of licences for some factories or work-shops

as there are dwelling houses close to the ovens. This goes to prove that there were no houses when the business was started in the 1st instance and the houses and shops etc are of a recent growth. This fact has been pointed out by the cashew nut roasters in their joint petition dated the 3rd February 1932 (vide page 21 of D.Dis. 188/M.T.B/32) For orders whether the attention of the Government may be invited to their Memorandum No.50760-2 E2 P.H., dated 11. 3. 1932 and requesting them to issue final orders contemplated therein.

(True Copy)

Commissioner

Copy of petition [illegible] to the Hon.Dr.T.S. Rajan, Cashewnut Factories, Urwa, Mangalore to the Hon.Dr.T.S. Rajan, Minister for Public Health and Endowments Madras.

1. We the undersigned respectfully beg to represent our grievances in brief as follows:-

2. That from so long as twelve years ago cashewnut factories have been successively, one after another started in the locality of only one furlong square in the village of Urwa, adjoining the Mangalore Municipal limits so that(four) 4 companies as mentioned below are doing work of roasting and all other work in these factories in connection with cashewnut seed export to Europe and America.

3. The names of the companies:-
(a) N.T. Company.
✓(b) Mazarkar & Co.
(c) Poova and Co.
(d) M.Peres & Co.

4. All within a furlong square of ~~place~~ space are doing roasting work and all other curing work etc,, regarding the same.

5. Now, our ailment, we beg to represent is that due to the thick clouds of smoke that arise from the roasting, ourselves, our children and all ~~and~~ our agricultural productions and our cloth manufactures, one and all have been suffering to an intollerable extent of damage, chiefly in the weaving establishment of John Sequeira, which factory is within 15 yards of Peres & Co., 30 weavers and John Sequeira are suffering very badly. Cough has attacked John Sequeira and has reached a far off stage, he being the proprietor of the weaving establishment. The ~~the~~ 30 weavers too are all attacked with cough. Daily soot by itself comes and settles in the manufactured cloth in the cooking and dinning vessels, and all the members of his house too are turning sick day by day.

6. Through the midst of these above 4 factories, the road passes to Urwa, Kodikal and Kulur, and atleast 1000 people pass and repass by this road. Children go to and come from school by the same road. All have to suffer from fumigation of his unhealthy and injurious smoke coming out of the roasting of the seeds.

7. Representations were made to the District Health Officer and the Collector of South Kanara, on more than one occasion praying that the roasting of the nuts may be ordered to be conducted elsewhere, and that other work curing etc., might be allowed to be done in the existing factories. We know that orders were given to the Companies to use high chimneys to let out the dense smoke high up in the air and then it may disperse in the air without settling in the atmosphere, adjacent to the houses and thereby deteriorate people's standard of health and their industries of any kind. We really feel chiefly John Sequeira and his people whose house and weaving factory are quite close to Peres & Co's Cashew factory, suffocated whole day and night, by not having pure air to breathe. We feel day by day simply choked. So much so it has eventually told upon the health of John Sequeira, his family and his weaving staff every one is coughing, ~~M~~ John Sequeira is sure to meet the grave soon a young man of about 42. Soot develops the whole day and night on the furniture, vessels, manufactured cloths and the weavers coughing whole time of working.

8. We therefore not having succeeded to get out grievances redressed through the local officers in charge, feel encouraged to get our grivances redressed through your Honour, the Congress Minister. Even Rao Saheb J.J. Fernandez, Bar-At-Law of Lal-Bagh, Codialbail, requested John Sequeira, the weaving merchant aforesaid to have this drafted and submitted to Your Honour and hope for a delivery from the poisonous atmosphere daily and constantly surroundings the said weaver's house and premises because the said Rao Saheb is the landlord of the said weaver's house and ~~g~~ardens

9. As John Sequeira's state of health is in a precarious condition an as the children and the weaving staff about 30 of them are also attaked by cough, chiefly when doing weaving work this fact shows that the atmosphere itself contains soot that is daily ~~a~~ absorbed emanating from the roasting sheds.

10. John Sequeira, and his weaver's above all out of the undersigned ardently pray for immediate relief, and therefore considering this sad grievance all the undersigned unanimously and humbly pray that your Honour be pleased at an early date to pay a kind visit to the spot, and on being convinced of the varacity of our grievances Have orders issued to all the cashewnut companies and chiefly to Peres & Co., to have roasting conducted at Koolishekara plain, where there is ample empty space with no houses around and therefore without fear of molesting atmosphere of any one to conduct the roasting work and as regards pe

~~drying etc, it~~ can be done in the existing factories at Urwa.

11. For the generous act of saving us from a long standing suffering, nay, calmity,(we call it calmity because we feel we are breathing a poisonous gas every day and night) we will be very grateful to your Honour and heave a sigh of intense relief for the good done after our representations to the Congress Government Health Minister. For, we have failed in three previous petitions to the Collector and District Health Officer.

12. The Company proprietors need not put the excuse saying that if they be ordered to conduct roasting at Kolisherkara, traders may start shops and dwell in that locality too, and then make representations praying that their roasting be ordered to be shifted elsewhere again,. That is not at all possible. The roasting alone may be done by 7 or 8 A.M. and all the rest of the work may be done in the factory at Urwa, as they are . There is no need of starting shops at all at Kooleshekara close to the roasting sheds. There is no need of any one holding shops there.

13. Once more therefore we humbly pray our prayer may be heard, and if this time too after making 3 representations to Your Honour we fail to succeed, then we have to conclude that, if there is keen competition and a large margin of profit, another 4 companies may settle in another 1 furlong square of space in continuation of the existing factories and bury the whole atmosphere round with thick gases and fumes so odious, for us to breathe and people have to keep quite, waiting only for the doomsday to have a sigh of relief from the misery.

14. It is N.T.Company that first started. Because there was competition . the successive factories arose, all packed up in such a small space and the weaving factory and all the houses all existing before the companies started.

15. Signatures and thumb impressions are attached in the next pages. First of John Sequeira and his weavers, then of the residents in the close vicinity.

/ True Copy /

Municipal Office, Mangalore,)
Dated 31st July 1945.)

31/7
Commissioner.
Mangalore Municipality.

C.S.
Compd:

Government of Madras.

Received.....1938. Registered.....1938.

Abstract.

Licence - South Kanara District - Cashewnut factories - Mitigation of nuisance - Orders passed.

MS Education & Public Health Department.

G.O.No./749 P.H., Dated the 24th February 1938.

Read the following :-

Memorandum No. 50760-2 E2. P.H., dated the 11th March 1932
From the President, District Board, South Kanara, No. 4725 / C1.37, dated the 24th June 1937.

Order:-

The question as to how best the smoke nuisance caused to the neighbourhood by the working of the cashewnut factories in South Kanara district can be mitigated, has been engaging the attention of the Government for some time past. The Industries Department were trying to evolve a suitable mechanical roaster which would minimise the smoke nuisance in the factories and at the same time enable the factory owners to collect the maximum quantity of oil from the shell. The superintendent, Kerala Soap Institute has evolved a suitable "Cottage cashew roaster" for the purpose and the Government have in G.O.No. 1206 Development, dated the 31st May, 1937 sanctioned the printing and the sake to the public, of a note on this roaster. In this cottage cashew roaster, the noxious fumes produced by the burning of the nuts escape into the furnace through perforations in the upper surface of the pipe and get partially burnt and are carried with furnace gases through the chimney. If this cottage cashew roaster is used in factories the nuisance to the neighbourhood caused by the pungent and irritating gases that issue out of the factori will be mitigated to a considerable extent. The local bodies in whose

area

area the cashew nut factories are situated are therefore requested to direct the factory owners at an early date to use only the cottage cashew-roaster designed by the Industries Department and to provide high Chimneys for their factories. They are also requested not to allow cashew nut factories within two hundred yards of dwelling houses.

(By order of His Excellency the Governor)

C. H. Masterman,
Secretary to Government.

To The President, District Board, South Kanara.
" Commissioner, Mangalore Municipality, through the Chairman Municipal Council.
" Director of Public Health.
" Development Department.

(True copy)

Commissioner.

H/28.7.45

Encl. 4.

Copy of letter Roc No. C4/12357/43, dated the 13th October 1943, from the Commissioner, Mangalore Municipality, Mangalore to the Director of Public Health, Madras.

Subject: Public Health - Roasting of Cashew-nuts by Messrs Mizarkar Bros., at Urva - Nuisance - complaints from the residents of Urva - Suggestions to mitigate nuisance -- requested.

A copy of petition dated the 9th September 1943 addressed to you by the residents of Urva, Mangalore, regarding the nuisance caused by the roasting of cashewnut in the Mijarkar's Factory at Urva, has been received in this office and it was placed before the council. The Factory was inspected by you at the time of your last visit to Mangalore and you kindly promised to send in certain suggestions to mitigate the smoke nuisance caused in the factory and asked me to hold further action in abeyance. The Municipal council has accordingly in its resolution No.12, dated the 4th October 1943 resolved to remind you to send in your suggestions.

I request

I request you therefore to send them as early as possible to enable me to give effect to them and mitigate further nuisance to the neighbours.

(True Copy)

3/17

Commissioner.

Compd: [illegible]

H/27/7.45

Enc. 4.

Copy of letter C.No.C4/9478/44, dated the 4th October 1944. From the Commissioner, Mangalore Municipality, Mangalore, to the Director of Public Health, Madras.

Subject: Public Health - Roasting of cashewnut - Messrs: Mijarkar's Factory at Urva - Complaints from the residents -- Suggestions to mitigate nuisance - Requested.

On 9th September 1943 the residents of Urva, Mangalore, filed complaint before you regarding the nuisance caused by roasting of cashewnut in Messrs Mijarkar's Factory at Urva, a copy of which was communicated to this office also. Several complaints are being received in the matter in this office. This factory was inspected by your predecessor in office, Dr. R.Adisheshan L. M. S., B.S.Sc., Dip Hyg.(Camb) at his last visit to Mangalore i.e. in July 1943, and he kindly promised to send in certain suggestions to mitigate the smoke nuisance caused in the factory and asked me to hold further action in abeyance. The Municipal Council also in its resolution No.12 dated the 4th October 1943 resolved to remind you in the matter. In reply to this office Roc No. C4/12357/43, dated the 13th October 1943, I was informed in your R.No. 27343-1-Hyg-43, dated the 2nd November 1943 that the subject would be placed before the Public Health Board. Several reminders were subsequently sent by the Municipal Health Officer in this connection.

Messrs Mijarker Krishna-Annappa Pai & Co.applied for licence under section 249 of the Madras District Municipalities Act for running electric motors and roasting of cashewnut for the year 1944-45 but no final orders were issued by the Municipal Health Officer on the application for licence for roasting of cashewnut within the prescribed period by sub section 11 of Section 321 of the Madras District Municipalities Actpending receipt of suggestion from you. As the matter now stands, it would appear that further action under section 313 of the Madras District Municipalities Act cannot be taken against them for roasting of cashew nut without a licence as final orders are not yet passed on the licence application. There are several complaints from the residents and reports from the

Sanitary Inspectors that the smoke nuisance is intolerable . The factory is in the midst of thickly populated residential areahouses. There are many dwelling houses within the distance of 200 yards. It is also argued that the growth of the surrounding area into a residential one is largely due to the existence of the factory itself which provides employment to a good number of hands.

Under the above circumstances, I request you to send in the suggestions of the Public Health Board in the matter and if this is likely to take time and instructions may kindly be issued at an early date as to how the matter should be dealtwith in the meanwhile in view of G.O.No. 749 Education and Public Health dated the 24th February 1938 laying down the type of roasters to be provided and prohibiting roasting within 200 yards of dwelling houses.

/True copy/

Copy of letter R.No. 35879/Hyg/ dated the 20th October 1944. From the Director of Public Health, Madras, to the Commissioner, Mangalore Municipality.

Reference: Your letter Roc No. C4/9478/44, dated the 4th October 1944 regarding ro-sting of cashewnut.

Design of a cheap roaster is being tried experimentally by th Industrial Engineer. Until this is approved and recommended for adoption, the procedure previously employed may be continued.

/True copy/

Encl. 6.

Copy of letter C.No. 16412/45, dated the 18th April 1945. From the Municipal Health Officer, Mangalore, to the Director of Public Health, Madras.

Subject:- Mizarkar's Cashew nut factory - Grant of licence - Instructions solicited.

The proprietor of the above factory has applied for licence for the current year. In view of the complaints received regarding smoke nuisance from this factory the Commissioner and myself held a joint inspection of the factory and had a talk with the prepretor regarding the mitigation of smoke nuisance. He has informally agreed to raise the height of the roaster chimnies by one more piece i.e. about five ft We also tried to persuade him to use firewood instead of cashewshells for the furnaces. But on account of the scarcity of firewood in these days he pleaded that he may be given time for this and said that he would apply to the Collector for a permit for firewood and that he would use it to the extent he gets the permit. In view of the instruction contained in letter No. 35879-Hyg dated the 20th October 1944 of the Director of Public Health, Madras this is the utmost we could do to mitigate the nuisance complained of.

The nuisance complained of is of the kind contemplated by Section 41 of the Public Health Act. Under section 44 of the Public Heal Act certain powers are given to the Health Officer to abate the nuisance if he is satisfied of the existence of a nuisance and if in exercise of the power vested in him the Health Officer issues the notice contemplated by that section and if there be default even thereafter or in the opinion of the local authority the nuisance is ~~local~~ likely to recur on the same premises certain powers are given to the local authority to abate the nuisance. Section 48 of the Public Health Act provides for entry and inspection of any premises for the purposes of enforcing any of the provisions contained in Chapter 71 of the Public Health Act. Finally section 49 of the Public Health Act provi des for the contingency of any default on the rep part of any local authority or its health officer in discharging its or his duty under the Public Health Act.

So far as the District Municipalities Act is concerned section 251 provides for issue of directions for the abatement of nuisance and ~~action~~ section 252 gives power to the Local Government to pass orders or issue directions to municipal council in thisbehalf.

I also invite attention to section 144 of the Public Health Act which provides that if there be any repugnancy between any of the provisions of the Public Health Act relating to Public Health and any other enactment ~~if~~ in force in the Province of Madras, the provisions of the Public Health act shall prevail and the provisions of any other enactment to the extent of the repugnancy shall be void.

I submit that these provisions will be relevant while dealing with the complaint as will be apparent from the circumstances explained in my endorsement on the telegram - vide this office N.Dis. 1475/45, dated the 18th April 1945.

The matter came up before the council for consideration on a petition dated the 8th February 1945 presented by Sri A. Choodappa one of the signatories to the telegram. All the facts were placed before the council and the council passed the following resolution.

38. Read petition dated the 8th February 1945 from Sri A. Choodappa Proprietor, Canara Watch works, Hampankatta, Mangalore, regarding the smoke nuisance caused due to the roasting of cashewnut in the Mizarkar Factory at Urva with the remarks of the Municipal Health Officer there

After considerable discussion in thematter Mr. C.L.Lobo, propo and Mr. A. Shanker Alva seconded the following resolution :-

"That this council resolves that a licence to Messrs Mizarkar's cashew factory for 1945-46 may be granted only on the following conditions

1. That they should use firewood for fuel.
2. That the height of the chimnies should be at least 25 feet above the top of the roof.
3. That the chimnies should be without a cap.
4. Under no circumstances cashew shells should be used for this purpose."

The Director of Public Health also may be addressed in this matter.

The following members are added to the committee appointed as per council's resolution No. 43, dated the 6th November 1944:-

Messrs J.S.Suvarna, M.Mukunda Nayak and B.Gangadhar Das.

The committee or any member thereof is authorised to inspect the Factory whenever necessary.

Carried Unanimously.

sd

It looks as if the council has lost sight of the last communication dated the 20th October 1944 received from the Director of Public Health quoted above and it is a matter for the consideration whether the procedure adopted and the resolution passed by the council are in order having regard to the provisions of the Public Health Act and District Municipalities Act referred to above.

As regards the last para of the resolution there is no provision either in the Madras District Municipalities Act or Public Health Act for the council or any committee appointed by it or any member thereof to enter or inspect any Factory. Hence this exceeds the powers of the council - Vide Section 253 of the Madras District Municipalities Act and section 48 of the Public Health Act.

Under the above circumstances I solicit urgent instructions whether I am to issue the licence in accordance with the conditions mentioned in the council resolution or grant a licence as per instructions contained in the letter of the Director of Public Health dated the 20th October 1944 and allow the procedure previously employed to continue till the new roaster is approved. As thematter is important I request urgent instructions may kindly be given.

/True copy/

30th July 45.

Commissioner 31/7

compd:- 31/7/45

Encl. 7.

Copy of letter Roc No. C4/9478/44, dated the 8th May 1945 from the Commissioner, Mangalore Municipality, to the Director of Public Health, Madras.

Subject:- Public Health - Nuisance - Smoke nuisance due to roasting of cashewnut - Urva Maidan Mizarkar's Factory - Early instructions - Requested.

Reference: This office letter Roc No. C4/9478/44 dated the 23rd April 1945.

I invite your kind attentionto the letter No. 1642/45, dated the 18th April 1945 from the Municipal Health Officer, soliciting instructions from you regarding the issue of licence to Messrs Mizarkar's Cashew nut Factory at Urva, Mangalore, and to my letter No.C4/9478/44, dated the 23rd April 1945, requesting you to issue instructions to the Municipal Health Officer expeditiously. The agitation from the residents of the locality is increasing. They have approached you, Inspector of Municipal Councils and Local Boards, Madras, and Collector. The Council is anxious to give them immediate relief. The Municipal Council therefore in its resolution No. 81 dated the 7th May 1945 - copy enclosed - resolved again that the Executive should take urgent and immediate steps to stop forthwith all burning operations in the aforesaid factory premises. I have to day sent a wire to you - copy enclosed to expedite instructions in view of the above resolution of the council and agitation from the residents of the locality. I also find that they need early relief.

I, therefore, request you kindly to issue instructions to the Municipal Health Officer expeditiously inview of the urgency of the matter. If there is delay in the evolving of a suitable roaster stated in your letter R.No. 35879-Hyg, dated the 20th October 1944, I request kindly to be informed expeditiously if the Health Officer can issue a licence and if so the conditions under which it should be granted pending the recommendation of a suitable roaster for adoption. The matter may kindly be treated as very urgent.

(True copy)

3/12

Comm

Public Health.

From

Major J.H.German, I.M.S.,
Director of Public Health,
Egmore, M a d r a s.

To

The Commissioner,
Mangalore Municipality.

R.No. 18870/3-Hyg-45 Dated the 12th May 1945.

Sir,

Subject: Cashewnut Factory - Mangalore Municipality South Kanara District - Licence - Grant of.

Read (1) Letter Roc No. C4/9478/44 dated the 8th May 1945 from the Commissioner, Mangalore Municipality.
(2) Letter No.1642/45 dated 8th May 1945 from the Municipal Health Officer, Mangalore.

The place will be inspected by an Assistant Director of Public Health during this month and instructions issued.

sd/
for Director of Public Health
Madras.

Copy to the Municipal Health Officer, Mangalore.

/True copy/

Commissioner.

compd: 5/17

Encls. 9.

Extract from the Annual Inspection Notes on the District Health Officer, South Kanara on the Public Health Administration of Udipi Municipality for 1939.

Dangerous and Offensive Trades:-

I am glad to note the Commissioner is trying his best to see that they satisfy the sanitary requirements.

There is a general improvement in the public health administration of the Municipality.

Conclusion:-

I am glad to find an enthusiastic and sincere worker in the Commissioner. Practically all suggestions offered in the last report have been complied with.

(sd) Y.Shivaramayya, (L.M. & S)
District Health Officer, S.Kanara.

(2)

Extract from the Annual Inspection report of the District Health Officer, Chittoor on the Public Health Administration of Tirupati Municipality for 1941.

In this regard I must acknowledge a very high standard and the pains that are being taken by the executive to keep it up at a very high standard inspite of many obstacles arising from the usual opposition

of the ignorant masses to any departure from the usual routine they are accustomed to.

(sd) G.N. Venkoba Rao
(Rao Saheb),
Dt. Health Officer.

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(3)

Extract from the Annual Inspection report of the District Health Officer, West Godavari dated 8-11-1942 on the Public Health Administration of Palacole Municipality.

Drainage:-

The Special Officer has launched a drive in filling up all insanitary pits and raising levels of all low-lying places.

General:-

The Special Officer has launched a campaign to fill up all lowlying places. He is providing all amenities to the town by putting a park and establishment of Maternity and Childwelfare Centre in the town. I should pay my tribute for the splendid way in which he is exerting to improve the town which has not even the minimum requirements for a town of this size.

sd/ Nityanandam Pillai
District Health Officer, West Godavari.

/True copy/

31/7
Commissioner

Enel.10.

Extract fromthe remarks of the Collector of South Kanara on the Administration report of Udipi Municipality for the year 1939-40.

Even in my short experience I noticed the particular keeness of the Chairman and the Commissioner in all the Civic interests of the town.

The administration continued to be efficient.

(sd) M.V. Subrahmanyam (I.C.S.)
Collector, S.K. 10-7-40

Extract from the remarks of the Collector of South Kanara M. V. Subramanyam Esq., I. C. S., on the Administration Report of the Udipi Municipality for 1940-41.

SANITATION AND PUBDIC HEALTH:-

These have been well looked after.

G E N E R A L:-

The Administration holds the confidence of the public. The general state of the administration was "GOOD"

(sd) B.A.Baliga
18.7.41
For Collector,
S.Kanara.

Extract from the remarks of the Collector on the Administration Report of Tirupati Municipality for 1941-42.

G E N E R A L:-

x x x P.T.O

82

As I have already said in my remarks on the last Administration Report, if there are any improvements made in the town, the credit goes to the Executive and they have been made in spite of the Council.

Sd/M. V. Subrahmanyan,
(I.C.S.)
Collector.

Extract from the remarks of the Collector on the Administration Report of Palacole Municipality for 1943-44.

"In general, the Municipal administration is "GOOD"

sd/ T. S. Rajamayya
COLLECTOR.

/TRUE COPY/

Comm

Encl. 18.

Extract from the urgent meeting proceedings of the Municipal Council, Palacole, passed at its office building at 10 A.M.

=====

217) Read requisition dated the 10th September 1943 from 11 Councillors requesting the Chairman to convene an urgent meeting to request the Government to cancel the orders in G.O.Ms 2561 L.A., dated 6th September 1943 transferring Sri B.Suryanarayana Rao the present Commissioner of this Municipality to Hindupur Municipality and to retain him as Commissioner in this Municipality for some time more.

RESOLUTION:- Resolved to request the Government to cancel the orders issued in G.O.No. Ms 2561 L.A., dated the 6th September 1943 transfering Sri B.Suryanarayana Rao, Commissioner from Palacole Municipality to Hindupur Municipality and to retain him as the Commissioner of Palacole Municipality after the expiry of the leave for the following reasons-

(1) This new council has undertaken the construction of a Pucca High School building and a building for the Maternity and Child Welfare centre at a cost of about Rs.80,000 and Rs.8,000 respectively with the aid of public donations only. Sri B.Suryanarayana Rao, the present Commissioner has given great impetus for their starting and having been a both an educationist and one interested greatly in public health his suggestions are proving valuable and his presence here until the completion of the two impo tant big schemes is essential.

(2) It is known to every body that this place is notorious for filaliasis and bad health. Sri B.Suryanarayana Rao the present Commissioner who is well up with the problems of public health and who takes keen interest in the same is having a regular drive in eradicating this scourge as the District Health Officer, West Godavary himself testified to it in the annual inspection report. His services are essential and valuable to this town especially in the absence of a Municipal Health Officer.

(3)

84

(3) He has effected considerable improvement in every aspect of the administration both as Commissioner and Special Officer for which the Council placed on record his services in its Resolution No.77 of 23- 6- 1943, while approving the Administration Report for 1942-43.

(4) The entire public of this town are very keen for his retention here atleast till the completion of the two above important schemes.

The Chairman is requested to inform the Government about the Resolution by wire first and despatch the resolution with a seperate report to the Government by to-day's post.

(sd) B. V. Subbarao
11-9-1943
CHAIRMAN.

/True copy/

31/7
Commissioner

Encl. 12

C.No. 85

Mangalore Municipality.
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Notice.

On personal inspection by the Municipal Health Officer and the Commissioner, M.M. on 9-6-1945, it is found that the following improvements are required in the lodging house situated in premises T.S.No. 270-8 of 19th ward.

1. The premises used as a Lodging House shall be constructed of masonry or of such other durable material and no part thereof shall be constructed of inflammable materials. (Rule 4 of Lodging House Upkeep and Maintenance Rules 1940.)
2. The dimensions of each of the lodging rooms and the maximum number of persons permitted to lodge therein should be stated. (Rule 9 of L.H.Rules 1940.)
3. The internal surface of the walls and the ceiling should be hot lime-washed, painted or distempered. (Rule 10 of L.H.Rules 1940)
4. The existing damaged drain should be repaired so as to make it effectively to drain the premises and should be maintained at all times in good order and efficient action. (Rule 11 of L.H. Rules 1940.)
5. The rooms and passage should be thoroughly cleaned as well as the open space within the premises and all rubbish should be put into non-absorbent covered receptacles at suitable places which should be cleared once in 24 hours.(Rule 13 of L.H.Rules of 1940.)
6. Wholesome drinking water, not less than one gallon per head per day should be provided for the individual lodgers for drinking purposes. (Rule 14 of L.H.Rules of 1940.)
7. Separate bathing rooms for each sex should be provided as per Rule 15 of L.H.Rules of 1940.
8. A register showing the full names and permanent addresses of all the lodgers halting in the premises should be maintained. (Rule 28 of L.H.Rules 1940.)
9. A copy of the lodging house upkeep and maintenance Rules 1940 should be put up in a conspicuous place.(Rule 29 of L.H.Rules 1940
10. Dogs should not be allowed into the lodging house and the washing platform should be rendered impervious.
11. A legible notice board with the painted words 'Registered Lodging House ' should be affixed in a conspicuous place in front of the Lodging House. (Preferably on a board of 3 feet width and 1½ feet height) (Section 106 (1) of P.H. Act of '39.)
12. Dogs should not be allowed into the lodging house.
13. platform round the well with a road off drain should be constructed to carry away spilt water and the same should be rendered impervious to water.

Sri.D.Venkanna Shetty, Proprietor of the aforesaid lodging house is hereby required to execute the above improvements within 15 days of the receipt of this notice, failing which his request for renewal of registration as the keeper of the lodging house, will be refused.

Municipal Office, Mangalore) S/d
Dated, 25th June 1945.) M.H.O. & Commissioner, M.M.

To

Sri.D. Venkanna Shetty, T.S.No. 270-8 of 19th ward,
through Sanitary Inspector IV Circle.

31.7.45

/ True Copy /

31/7

Commissioner

Encl. 13.

G.No.

Mangalore Municipality.

****

Notice.

On personal inspection by the Municipal Health Officer and the Commissioner, M.M. on 9-6-1945, it is found that the following improvements are required in the lodging house situated in premises T.S.No. 1[illegible]-1 of 16th ward.

1. The premises used as a Lodging House shall be constructed of masonry or of such other durable material and no part thereof shall be constructed of inflammable materials. (Rule 4 of Lodging House upkeep and Maintenance Rules 1940.)
2. The dimensions of each of the lodging rooms and the maximum number of persons permitted to lodge therein should be stated. (Rule 9 of L.H.Rules 1940.)
3. The internal surface of the walls and the ceiling should be hot lime-washed, painted or distempered. (Rule 10 of L.H.Rules 1940)
4. The existing damaged drain should be repaired so as to make it effectively to drain the premises and should be maintained at all times in good order and efficient action. (Rule 11 of L.H. Rules 1940.)
5. The rooms and passage should be thoroughly cleaned as well as the open space within the premises and all rubbish should be put into non-absorbent covered receptacles at suitable places which should be cleared once in 24 hours.(Rule 13 of L.H.Rules of 1940.)
6. Wholesome drinking water, not less than one gallon per head per day should be provided for the individual lodgers for drinking purposes. (Rule 14 of L.H.Rules of 1940.)
7. Separate bathing rooms for each sex should be provided as per Rule 15 of L.H.Rules of 1940.
8. A register showing the full names and permanent addresses of all the lodgers halting in the premises should be maintained. (Rule 28 of L.H.Rules 1940.)
9. A copy of the lodging house upkeep and maintenance Rules 1940 should be put up in a conspicuous place.(Rule 2[illegible] of L.H.Rules 1940
10. Dogs should not be allowed into the lodging house and the washing platform should be rendered impervious.
11. A legible notice board with the printed words 'Registered Lodging House' should be affixed in a conspicuous place in front of the Lodging House. (Preferably on a board of 3 feet width and 1½ feet height) (Section 106 (1) of P.H. Act of 1[illegible].)

Sri.K.Bhujanga Rao, Proprietor of the aforesaid lodging house is hereby required to execute the above improvements within 15 days of the receipt of this notice, failing which his request for renewal of registration as the keeper of the lodging house, will be refused.

Municipal Office, Mangalore) S/d
Dated, 25th June 1945.) M.H.O. Commissioner, M.M.

To

Sri.K.Bhujanga Rao, T.S.No. 1[illegible]-1 of 16th ward,
through Sanitary Inspector III Circle.

/ True Copy /

Comply 30/7.

Commissioner

Copy of the draft for reply to the Writ Petition of Sri K.Choudappa drafted by Legal Advisor of the council, P.N.Souza, Esq., B.A.,B.L., on behalf of the Chairman in council and the Commissioner.

The Mizarkar's Cashew Factory came under the jurisdiction of the Municipal council only in 1943 with the extension of the Municipal limits, the same having been under the jurisdiction of the District Board, prior thereto. No licence for 1942-43 was granted to the Company by the District Board as all the conditions for the grant of the licence were not fulfilled by them.

For the year 1943-1944 licence under section 249 of the Madras District Municipalities Act was issued by the Municipality subject to certain conditions which if fulfilled, would have given no room for any complaint from any one. The order for the enforcement of the condition had however to be held in abeyance by the Municipal Health Officer because of the visit to the Factory by the Director of Public Health, Madras, in July 1943 and his subsequent direction that the then arrangements in the Factory could continue pending suggestions which he would issue in this matter. No licence was therefore issued during the year 1944-45 and 1945-46 as the suggestions of the Director of Public Health were not issued inspite of frequent reminders. The attempts of the council to give relief to the public who complained of the smoke nuisance could not also be carried out in the manner and to the extent they dicided in the face of the directions of the Director of Public Health that the existing arrangements could be allowed to continue pending receipt office instructions.

Very recently the Assistant Director of Public Health after visit of the Cashewnut factories in the town, including Mizarkar's, has issued instructions as to the way in which the obnoxious fumes and smoke could be avoided and these suggestions have been communicated to the Factory owner for compliance before the grant of licence to them is considered. A communication has been received from the factory owners that they have taken steps which will prevent the recurrence of the nuisance complained of.

In these circumstances a suit for an injunction and injunction may be unnecessary. As for your claim for damages, I am to say that neither the Chairman in council nor the Commissioner can be held liable therefore when no licence was issued or refused by the Licensing authority during the previous 1945-4 to 1945 and 1945 to 1946 in view of the direction of the Director of Public Health referred to above.

It cannot therefore be said that either the Chairman in council or the Commissioner have neglected to perform their duty under the District Municipalities Act. The damages claimed of further excessive. In any case you could claim damages only from the party who cause the nuisance.

Your claim for damages against the municipal council and the Commissioner will therefore be defended at your risk as to cause.

Yours faithfully,

/True copy/

31/7
Commissioner

Copy of letter R.No. 18870-Hyg.-45-17 dated 31-7-45 from the Director of Public Health, Madras, to the Secretary to Government, Education and Public Health Department, Madras.

Sub:— Licence - Mangalore Municipality - Cashewnut factory of Messrs Mizar Krishna Annappa Pai Co.

Ref:— Govt. Memo No. 30040-A-45-H.P.H., dated 25-7-45.

The explanation submitted by the Municipal Health Officer for the delay in taking action for issuing licence to this factory is herewith forwarded.

The last licence to the factory was issued on 23-6-43 by his predecessor specifying certain conditions noted in para 3. On 21-7-43, the proprietor applied for time till November 1943 to fulfil the conditions. The factory was inspected on 27-7-43 by my predecessor (Dr. Adiseshan), but there is no record of inspection notes having been issued. I however see that he has addressed a D.O. on 27-7-43 to the Sanitary Engineer suggesting a further joint inspection for designing a contrivance for subjecting the fumes to combustion. As a result of this, correspondence it was decided to get the roaster devised and the subject was placed before the Public Health Board at its meeting on 8-11-43 and as per directions of the Board further correspondence was carried on with the Director of Public Health, Travancore and the Registrar of Co-operative Societies and finally the design for roaster was received from the Director of Industries on 4-7-45 and it will be placed before the Public Health Board at its next meeting.

When it was learnt that the factory was working without a licence the Municipal Health Officer was informed that this was irregular and that grant of licence should not be delayed for want of design of the roaster. On this at least he should have taken action to issue the licence subject to conditions imposed by him as was done by his predecessor. Previously also the Commissioner of Mangalore municipality was instructed as follows in R.No. 35879-Hyg., dated 24-10-44 "that the design for the roaster is being tried by the Industrial Engineer and until that was approved and recommended for adoption, the procedure previously employed may be continued", On this reference R.O.C.No.C.4.-9478/44 dated 4-10-44 requesting to inform what action has been taken in view of G.O.No. 749 E. & P.H., dated 24-2-38.

Again after the issue a definite instructions on the inspection notes of the Asst. Director of Public Health (Vital Statistics) and G.O.No. 1622 P.H., dated 19-2-45 also the Municipal Health Officer has not been reporting clearly whether the recommendations have been carried out as required by the Asst. Director of Public Health even though he was present at the time of the inspection, but has been quoting the report of the Industrial Engineer without offering his own opinion thereon.

Hence I have to say that his explanation is unsatisfactory and unconvincing. However, as the officer has been granted leave preparatory to retirement, no action seems to be called for. I may inform Govt. that I am deputing Dr. Perumal to inspect the factory and report if any relaxation may be made to enable the factory to obtain the licence and start working pending the completion of all the improvements suggested.

From

K.M.Unnithan Esq.I.C.S.
Inspector of Mu.Cls & Local Boards, Madras.

To

The Secretary to Government,
Education & Public Health Department,
Fort St.George, Madras.

10-APR 1940

19706 No. dated
Roc.16795.45.B.S. dated 6.4.46.

Sir,

Sub: Licence-Mangalore Municipality -cashewnut factory of Messrs.Mirza Krishnappa Ammappa Rai & Co. Nuisance caused by the working-Inaction on the part of the Commissioners and Municipal Health Officers.
Ref:My letter Roc.16795.45.B.S.dated 7.9.45. p 23 and

I request to be informed of the orders passed by Government in the matter.

D. Subbaraya Sastri
for Inspector. 8.4.46

trv.8.4.

E & T.H (72)

C. No. 19460-F2/46

Mun. Expert Comm.

Pa. 7.4-48 from Sri K. Ramaswami Mudaliar
Letter dt 30-7-45.

Pa. 5.6.48 from Sri B. Suryanarayana Rao
for Munt. Comm. Mangalore Letter dt 4-8-45
Mins. 24th, 28th, 30-7-45.

Director — Memo No. 19460-F2/46-1-pH. dt 23-4-46
VB/4

Licence Mangalore Municipality — Cashewnut factory of Mizas Krishna Annappa Pai & Company — Inaction by the Comm. and the H.O.

Refered to the D.P.H for

Exam
Factories/BD-JW

remarks with special reference to
the allegations contained in the Commissioner's explanations that the delay in enforcing public health conditions in the factory premises was due to the fact that the Director of Public Health had instructed the Commissioner not to take any further action in the matter & till they heard from him, but had issued no further instructions even after reminders

22.4.46

23.4.46

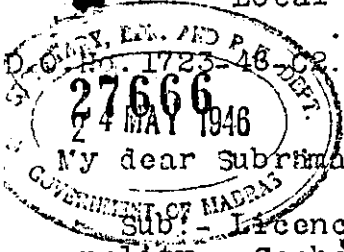
To The D.P.H.
(with the Commissioner's letter D130 2 dtd 31.5.46 & reply)
c.f.

97 Fr

Inspector of Municipal Councils and
Local Boards.

...

D.O.No. 1723-46-C2. Egmore, Madras,
22nd May 1946.



My dear Subramaniam,

Sub:- Licence - Mangalore Municipality - Cashenut factory of Messrs. Mizar Krishna Annappa Pai and Co. - Issue of - Unauthorised publication of G.O.No. 1622 P.H., dated 19-6-1945 Orders solicited. (A) 11-924

...

I solicit early orders of Government on this office letter (confidential) R.O.C.No. 28007-45 dated 5-9-1945. (B) 1285-909.

Yours sincerely,

M.V. Subramaniam Esq., I.C.S.,
Secretary to Government,
Education & Public Health
Department,
Fort St. George.

24 MAY 1946

27/28/5

Encl 11 (2)

D.O. No. 19460 F2/46 2-p.H dated 27/5/46

My dear Ramiah,

Licence - Mangalore Mfg Cashewnut Factory of Messrs M/s Krishna Annappa Pai & Co -

The subject matter of your letters on the subject is still under consideration - Orders will issue in due course -

Y.S.

Sd/ RKW 28/5

matter is

Sd/ 28/5 46

Sri Ramiah Esq I.C.S Deputy Govt. Chief Engr. Bangalore

Note A reference has been made to the D.P.P. in the Memo on pages 95-96 C

From K.M. Unnithan Esq., I.C.S.
Inspector of Ml.Cls. & Local Boards, Madras.

To The Secretary to Government,
Education and Public Health Department, Madras.

Roc.No. 16795/45-B3 dated 26-5-46.

Sir,

Sub:-Licence - Mangalore Municipality - cashed nut factory of Messrs. Mizar Krishnappa Annappa Pai & Co., - Nuisance caused by the working - Inaction on the part of Commissioner and Municipal Health Officer.

28619.

Ref:-My letter Roc. 16795/45-B3 dated 7-9-45.

I request to be informed of the orders passed by Government in the matter.

For Inspector.

AJR/27/5.

38 28/5/46 From the Inspr. of Police ... (72)
30/5 of L.B^h No ROC-16795: 45-A
dt 25.5.46

Memo No. 19460-Fr/46-3-p.H dated 20-5-46.

Licence - Mangalore Mfg -
Confinement factory of Messrs Mirzan
Krishna Annappa Shri - Enactment
Re part of the Govt Order.

The matter is still under consideration.

Received

29.5.46

To The Inspr. of Police
of L.B^h

Dated 31-5-46

NB - A reply has been sent to DPH.

E+P.H(F2)

103

Memo. NO 19460-F2/46 4-P.H dated 6-6-46

Sub:- Licence - Mangalore Municipality - cashewnut factory of Mizar Krishna Annappa pai & company - inaction by the Commissioner and the Health Officer

Ref:- Govt. memo. NO 19460-F2/46 1-P.H dated 23-4-46

The Director of publish is requested to expedite this reply to the Govt. memo. cited above.

The Govt. would be grateful for an early reply to the memorandum cited above.

SPK 6.6.46

To
The Director of
Public Health

From

Rao Bahadur Dr.R.M.Mathew,
D.P.H.(Camb.),
Director of Public Health,
Madras.

To

The Secretary to Government,
Education & Public Health
Department, Madras.

32113

R.No.34441-V3-46-1 dated 15th June 1946.

Sir,

Ref:-Government Memorandum No.19460-F2/46-1 P.H., dated 23-4-46.

Subject:- License-Mangalore Municipality-cashewnut factory of Mizar. Krishna Annappa Pai & Company - inaction by the Commissioner and the Health Officer.

The subject of nuisance arising from the operations of cashewnut factories in South Kanara District was engaging the attention of Government from the year 1932. Government directed granting of licenses pending the issue of orders on a suitable design of cashewnut roaster to abate the nuisance. In 1938 a cottage cashew roaster which was recommended was not found useful in practice. The Director of Public Health when he inspected the factory mentioned above probably had in his mind the designing of a more satisfactory roaster in consultation with the Sanitary Engineer and Industrial Engineer. The instructions referred to could only pertain to the roaster. The designing of such a roaster is naturally a matter of time. One has been obtained, considered by the Public Health Board and circulated to a number of health officers for introduction and trial in their areas and report in due course.

The fact that the Director of Public Health has promised instructions on the above subject does not prevent the local Executive Authority from taking necessary action according to the circumstances of the case. On being requested for instructions the Executive Authority was asked to adopt the measures previously in vogue. The factory was previously licensed subject to certain conditions. This should have been done. If the conditions were violated and the nuisance became

intolerable

intolerable the working of the factory could have been stopped.

15/6

for Director of Public Health, Madras.

15/6

C.V.R./15-6. Exd.

Licence - Mangalore Mnty - Cashewnut factory of Messrs Mizar Krishna Anugga Pai & Co - Inspection on the part of the M.C. Comm. & Mun. Health Officer - papers recd.

(Mention etc in Confln Book)

1/1 DS 4/7

6/7

From the Dy/Dr gen! ch. of L.B. & I/S No. B3 - Dt. 7.8.45

From the D.P.H. No. 18870-Hyg 45-17 - Dt. 31.7.45

From the D.T.H. No. 34441-V3-46-1 Dt. 15.6.46

Order Ms. 2042 P.H dated 8.7.46

Recd.

S.R.K.

The Dy/Dr gen! ch. of L.B. & D.P.H. } dpd 11.7.46

Sub: Licence-Mangalore Municipality-cashewnut factory of Messrs.Mizar Krishna annappa Pai and Co.,-Nuisance caused by the working of-Inaction on the part of the Municipal Commissioner and Municipal Health Officer.

****

It was brought to the notice of Government last year that a cashewnut factory was being run for some years by Messrs. Mizar Krishna annappa Pai & Co., in RS.Nos. 71,72 & 73 of Boolur village within Mangalore Municipal limits, that the processes carried on in the factory were a source of considerable nuisance to the residents of the locality, and that the factory had been working from April 1944 without a licence under section 249 of the Madras District Municipalities Act. It was found that in spite of public agitation against the factory neither the Commissioner nor the Health Officer took any action to stop the nuisance caused by its working. The Government caused an inspection of the factory premises made by an Assist.Dir. of Public Health. An inspection was accordingly made by Dr.A. Thirumaliah and his inspection notes revealed several defects in the working of the factory, and in the premises of the factory which would have to be rectified before the premises could be licensed. Secretary L.A. noted in the connected file that the inaction of the Commissioner was most reprehensible and further action might be taken after hearing what he had to say in defence. The orders in circulation were " The inaction and duty on the part both of the local Officers and of the Director of Public Health's office is most blameworthy". In view of these orders the Inspector of Municipal councils and Local Boards and the D.P.H. were requested to obtain the explanations respectively of the Municipal Commissioners and the Municipal Health Officer concerned for their omission to take action in this regard and to submit the explanations to Government with their own remarks.

2. The explanation of these two Officers were received sometime ago but their consideration was left over until after the question of the licensing of the factory premises was finally disposed of. So far as the working of the factory was concerned it was subsequently found that as a result of the order in G.O.No. 1622 P.H. dated 19-6-45 certain improvements had be

P.T.O.

effected meantime, and the Government ordered in G.O.No.3277 P.H. Dated 19-12-45 that they would no longer object to the licensing of the factory provided conditions are imposed to ensure that no nuisance was caused, the defects yet to be remedied were rectified, and also the Municipal Council was satisfied that there would be no nuisance or danger to public from the working of the factory. The Council has now decided that the working of the factory will be dangerous to public health and that the premises should not be licensed. The Govt. have decided not to interfere with this resolution. The factory is now not working.

3. The question of the action which should be taken in respect of the Municipal Commissioner's and Health Officer's remissness in this affair remains to be decided. The explanation of the Health Officer concerned(Dr.B.Subbaroya Baliga) is on pages 1-4-Cf- and the Municipal Commissioners concerned (Sri K. Ramaswami Mudaliyar and B.Surya narayana Rao) are on pages 31-61 Cf. The questions which need consideration are:-

(i) How far were the Commissioner and H.O. responsible respectively for their inaction, and

(ii) Whether any action should be taken against the Commissioners concerned and the H.O.

These questions are noted on below:-

Attention is invited to the following facts concerning the licence for the factory for the periods in question that is, from 1943-44 to 1945-46, which will throw light on the responsibility of the Officers may be noted. These facts are mentioned in the explanations of the Commissioners and the H.O. and these are:

The factory had been in existence from 1930. The area in which the factory was situated came within the Mangalore Municipal limits from the 1st April 1943. Licence was issued for the factory premises on 14-6-1943 for the year 1943-44, subject to the following conditions:-

(i) all the chimneys should be increased to at least 25ft. from the top of the roof;

(ii) all fire-places wherefrom heat is generated should be fed only with firewood.

(iii) under no circumstances should cashew shells be used for the purpose.

The owner of the factory asked for time till November 1943

P.T.O.

for the fulfilment of the condition. This request was refused by the then Municipal Commissioner Sri K.Ramaswami Mudaliyar who also decided that the licence should be revoked if the three conditions referred to above were not complied with. Before this decision could be carried out, the D.P.H. inspected the factory and informed the Commissioner that he would forward his suggestions in the matter and instructed the Commissioner not to take any action in the matter. In view of this instruction no further action was taken in the matter in the year 1943-44. In the year 1944-45 licence was applied for in August and was granted for electric motors only, that the owner of the factory was informed that licence for roasting cashewnuts would be granted on receipt of instructions from the D.P.H. It is stated that the D.P.H. was reminded several times but no instructions were conveyed by him in the matter. In 1945-46 the public agitation against the factory became intense. A resolution sponsored by Mr. Lobo, the Vice-Chairman of the Municipal Council, was passed at a meeting of the Municipal Council on 7-5-45, to the effect that all burning operations in the factory should be stopped. Telegrams, petitions and Mahazars were sent to Government pointing out that the factory was a menace to public health. It was not unitl the Govt. asked the D.P.H. to report very urgently in the matter after causing an inspection to be made of the factory by an A.D.P.H, and that such an inspection was made. Dr. Tirumaliah's inspection of the factory in May 1945 has already been referred to. In the meantime proceedings were started under Section 133 Cr.P.C. before the S.D.M. and under his orders the factory ceased working from 2-6-45. On receipt of the A.D.P.H's inspection note, the Government passed the orders contained in G.O.No. 1622 P.H. dated 12-6-45.

The above are the main facts, and it does not seem to be necessary to go into the question of apportioning the blame among H.O.' and Commissioners for the reasons indicated below:- The two Commissioners concerned (Sri K.Ramaswami Mudaliyar and Sri B. Suryanarayana) not only stress the above facts, but attempt to throw the responsibility for the omissions on the He

P.T.O.

Officer, inview of the delegation of powers ordered in G.O.No.327 Public Health dated the 24th January 1941. This order was to the effect that " the functions and duties of the executive authority of a Municipality under the sections mentioned(of which section 241 is one) shall subject to the general control of the executive authority be performed and discharged also by the Health Officer of the Municipality'.

This is not an absolute delegation of powers to the Health officer, and under this delegation orders on every case of licence would apparently have to be approved by the M.H.O. and accepted by the Municipal Commissioner. It dies not therefore seem to be correct to argue on the basis of the delegation referred to above, that the Commissioner has been relieved of his statutory responsibilities in this regard. However, as the Inspector says, this is a minor point, and the main reason for the omission to take action on the part of the Commissioner and H.O is to be found in the D.P.H's instructions(issued after inspection) to the Municipal authorities not to take action and the Directors failure to give further instructions. The D.P.H's endorsement on page 91-92 Cf contained no explanation for this failure. In the circumstances it does not appear that his view that the H.O.'s explanation is unsatisfactory can be accepted. (The Health Officer has retired from service (from 18th October 1945).) As the Director's failure to give instructions to the Municipal Authorities was the main reason for the Commissioner's and H.O's omission, it does not appear that any action is necessary against the Commissioner and the Health Officer.

N on p. 27 Cf

4. As regards the part played by Mr.Lobo, the Vice Chairman in having printed and broadcast a copy of G.O.No. 1622 P.H. dated 19-6-45. (please see para II of H.O.'s report on pages 3-4 Cf) no action seems necessary - With reference to his letter of 5.4.46 the DLB may be informed that no action need be taken in the matter.

5 L. A may see before circulation.

8.4.46

Then remarks of the D.P.H may be called for on the explanation of the commissioner about the H.O, with special reference to the point that the delay was due to the fact that the D.P.H had instructed them to take no further action in the matter till he hear from him, and that no further instructions were issued by him even after reminders.

A draft memo is submitted for approval -

22.4.46

Pages 1 (A), 2 x, 85 (B), 3 (C) and 4 (D) are attached.

Memo (E) See AV 22.4.46

Loose
Sl. 56 of [Memo No. 1946 0-72-46-1 PH Dy 23.4.46

From the D.P.H No. R-34441
V3-46-1 Dy 15.6.46.

The Director's letter on pages 1035-1036 of ~~all~~ with reference to the Dy. Secretary's note on the previous page ~~the fact of the matter was that~~ after ~~p 26 of~~ hearing the Commissioner was on the point of enforcing the withdrawal of licence in respect of the factory in 1943, the D.P.H inspected the factory and stated that the work could be done within [illegible] and asked the Comm. not to take action meanwhile. Pon p. 26 However the Directors were not forthcoming ~~for~~ for a very long time in spite of reminders. If the D.P.H really thought that whatever he stated did not preclude the enforcement by the Executive Authority of the conditions of licence he should have stated so. In the absence of clear instructions from the D.P.H the factory was allowed to work from ~~for~~ April 1944 without a licence under Sec 249. Thus the D.P.H's inaction largely contributed to the inaction and delay on the part of the local officers. This has already been noticed by the Advisor, Sir Thomas Austin in his minute on ~~p~~ 11 on p 28 of ~~the~~ No. 1622 P.H Dy the 19th June 1946. The Director's suggestion in his latest letter seems to be an afterthought, and in

(A) p. 55 of

in view of the facts set out in the Dy. Inspectors' report on pages 27-28 of, his view at N on ~~page~~ Note pages seems to be correct -

& L A may see, as already suggested -

Leth
2.6.46

The D.P.H. & the H.O have both retired, I believe. I do not think there is a case, to pursue the sole surviving Coroner, particularly in view of the diffuse statement on p 105 of, paras and the Dy Inspectors report. The fact that even a head of Dept has been so slack in not giving explicit instructions would have placed the Coroner in any excessively difficult position.

Issue an order "Recorded" & close this case.

SRK,
24.6.46

[Ex. 20, 42 PH dated 8-7-46]

Enrolled
for 11 Sept
1946
24/6